United Nations A/HRC/39/L.14

General Assembly

Distr.: Limited
24 September 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Australia, Austria,* Belgium, Botswana,* Bulgaria,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Germany, Greece,* Honduras,* Iceland, Ireland,* Italy,* Latvia,* Lithuania,* Luxembourg,* Malta,* Mexico, Netherlands,* New Zealand,* Norway,* Paraguay,* Peru, Poland,* Portugal,* Romania,* Serbia,* Slovakia, Slovenia, Spain, Sweden,* the former Yugoslav Republic of Macedonia,* Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland: draft resolution

39/... Equal participation in political and public affairs

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling all relevant international human rights treaties, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also all relevant General Assembly and Human Rights Council resolutions on participation in political and public affairs, in particular Council resolutions 24/8 of 26 September 2013, on equal political participation, and 27/24 of 26 September 2014, 30/9 of 1 October 2015 and 33/22 of 30 September 2016,

Emphasizing the critical importance of equal and effective participation in political and public affairs for democracy, the rule of law, social inclusion, economic development and advancing gender equality and empowerment of women and girls, as well as for the realization of all human rights and fundamental freedoms,

Welcoming the contributions of Member States and other stakeholders to the drafting of the guidelines on effective implementation of the right to participate in public affairs, both through their written submissions and their participation in regional consultations,

1. *Endorses* the guidelines on effective implementation of the right to participate in public affairs as a set of orientations for States, presented to the Human Rights Council by the Office of the United Nations High Commissioner for Human Rights;[1]

* State not a member of the Human Rights Council.

[1] A/HRC/39/28.

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2. *Requests* the Office of the High Commissioner to disseminate and promote the use of the guidelines and to provide technical cooperation and capacity-building to States upon their request regarding the use of the guidelines;

3. *Also requests* the Office of the High Commissioner to prepare, in consultation with States and all other relevant stakeholders, a follow-up report on good practices and challenges faced by States in using the guidelines, and to present it to the Human Rights Council at its forty-eighth session;

4. *Encourages* Governments, local authorities, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations and national human rights institutions to give due consideration to the guidelines in the formulation and implementation of their policies and measures concerning equal participation in political and public affairs.

United Nations A/HRC/39/L.14/Rev.1

General Assembly

Distr.: Limited
26 September 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Algeria,* Armenia,* Australia, Austria,* Belgium, Botswana,* Bulgaria,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Germany, Greece,* Haiti,* Honduras,* Hungary, Iceland, Ireland,* Italy,* Latvia,* Lithuania,* Luxembourg,* Malta,* Mexico, Netherlands,* New Zealand,* Norway,* Paraguay,* Peru, Poland,* Portugal,* Republic of Moldova,* Romania,* Serbia,* Slovakia, Slovenia, Spain, Sweden,* the former Yugoslav Republic of Macedonia,* Tunisia, Turkey,* Ukraine, United Kingdom of Great Britain and Northern Ireland: draft resolution

39/... Equal participation in political and public affairs

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling all relevant international human rights treaties, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also all relevant General Assembly and Human Rights Council resolutions on participation in political and public affairs, in particular Council resolutions 24/8 of 26 September 2013, on equal political participation, and 27/24 of 26 September 2014, 30/9 of 1 October 2015 and 33/22 of 30 September 2016,

Emphasizing the critical importance of equal and effective participation in political and public affairs for democracy, the rule of law, social inclusion, economic development and advancing gender equality and empowerment of women and girls, as well as for the realization of all human rights and fundamental freedoms,

Welcoming the contributions of Member States and other stakeholders to the drafting of the guidelines on the effective implementation of the right to participate in public affairs, both through their written submissions and their participation in regional consultations,

Acknowledging the work of the Office of the United Nations High Commissioner for Human Rights in preparing the draft guidelines on the effective implementation of the right

* State not a member of the Human Rights Council.

to participate in public affairs,[1] presented to the Human Rights Council by the Office of the High Commissioner, and taking note with interest of the draft guidelines,

1. *Presents* these guidelines as a set of orientations for States, as well as for, where appropriate, other relevant stakeholders in relation to the effective implementation of the right to participate in public affairs;

2. *Requests* the Office of the United Nations High Commissioner to disseminate and promote the use of the guidelines and to provide technical cooperation and capacity-building to States upon their request regarding the use of the guidelines;

3. *Also requests* the Office of the High Commissioner to prepare, in consultation with States and all other relevant stakeholders, a follow-up report on good practices and challenges faced by States in using the guidelines, and to present it to the Human Rights Council at its forty-eighth session;

4. *Encourages* Governments, local authorities, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations and national human rights institutions to give due consideration to the guidelines in the formulation and implementation of their policies and measures concerning equal participation in political and public affairs.

[1] A/HRC/39/28.

United Nations A/HRC/39/L.15

General Assembly

Distr.: Limited
24 September 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Albania,* Andorra,* Australia, Austria,* Belgium, Bulgaria,* Canada,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Germany, Greece,* Hungary, Iceland, Ireland,* Italy,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Montenegro,* Netherlands,* New Zealand,* Norway,* Poland,* Portugal,* Romania,* Slovakia, Slovenia, Spain, Sweden,* the former Yugoslav Republic of Macedonia,* Ukraine, United Kingdom of Great Britain and Northern Ireland: draft resolution

39/... Situation of human rights in Burundi

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Recalling further Human Rights Council resolutions 30/27 of 2 October 2015, S- 24/1 of 17 December 2015, 33/24 of 30 September 2016, 36/2 of 28 September 2017 and 36/19 of 29 September 2017,

Recalling Security Council resolutions 2248 (2015) of 12 November 2015, 2279 (2016) of 1 April 2016 and 2303 (2016) of 29 July 2016,

Reaffirming that States have the primary responsibility to respect, protect and fulfil all human rights and fundamental freedoms,

Stressing the primary responsibility of the Government of Burundi for ensuring security in its territory and protecting its population in compliance with the rule of law, human rights law and international humanitarian law, as applicable,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and national unity of Burundi,

Recalling the Arusha Peace and Reconciliation Agreement for Burundi, which provides the foundation for peacebuilding, national reconciliation and the strengthening of democracy, good governance, pluralism and the rule of law,

* State not a member of the Human Rights Council.

Considering that the international community, including the Human Rights Council, can play a relevant role in preventing the further escalation of violence and the deterioration of the human rights and humanitarian situation in Burundi,

Noting the constitutional referendum of 17 May 2018, which was held in a climate of intimidation and repression,

Welcoming the announcement of the President of Burundi not to run in the presidential election in 2020 as an encouraging sign contributing to opening up public and democratic space ahead of the election and to attaining a rule-based change of power,

Welcoming also the efforts of the facilitator for the inter-Burundi dialogue led by the East African Community, President Benjamin William Mkapa, and the mediator, President Yoweri Museveni, and the renewed commitment expressed by the Heads of State at the nineteenth ordinary summit of the East African Community on 23 February 2018 to a peaceful resolution of the political situation in Burundi by opening up political space and through inclusive dialogue based on the principles of the Arusha Agreement, notably ahead of the presidential election in 2020,

Noting with appreciation the repeated efforts made by the international community, including those by the African Union, the East African Community, the African Commission on Human and Peoples' Rights, the Peacebuilding Commission, the Special Envoy of the Secretary-General for Burundi and the European Union, to find a peaceful, consensual and long-lasting solution to the current crisis,

Taking note of the report of the Secretary-General on the situation in Burundi[1] and the observations and recommendations contained therein, including those on the need to convene an inclusive dialogue and to re-establish cooperation with United Nations human rights mechanisms,

Recalling the statement made by the President of the Security Council on 5 April 2018[2] and Council press statement of 22 August 2018, in which the members of the Council voiced their deep concern at the political situation in Burundi, the slow progress of the inter-Burundian dialogue and the lack of engagement by the Government of Burundi in that process, while expressing alarm at the continuously worrying human rights and humanitarian situation, in particular regarding fundamental freedoms, and recalled the commitments made by the Government during the thirty-sixth session of the Human Rights Council to re-establish full mutual cooperation with the Office of the United Nations High Commissioner in Bujumbura and to accept the visit of a team of three experts from the Office of the High Commissioner,

Recalling also resolution 396 on the human rights situation in Burundi, adopted by the African Commission on Human and Peoples' Rights at its sixty-second ordinary session, held from 25 April to 9 May 2018, in which it called upon the Government of Burundi to conduct without delay transparent and impartial investigations against all those responsible for human rights violations and abuses in order to bring the perpetrators to justice,

Welcoming the work of the Commission of Inquiry on Burundi, including its recent report,[3] and deploring the continued refusal by the Government of Burundi to cooperate with the Commission by, inter alia, denying it access to the country,

Deploring the decision by the Government of Burundi to declare the three members of the Commission of Inquiry on Burundi persona non grata in retaliation for the report presented by the Commission to the Human Rights Council at its thirty-ninth session,[3] and urging the Government to reconsider and revoke its decision,

Deploring also the threats, intimidation and personal attacks being directed by representatives of the Government against the members of the Commission of Inquiry,

[1] S/2018/89.
[2] S/PRST/2018/7.
[3] A/HRC/39/63.

including during the interactive dialogues held by the Human Rights Council and the Third Committee,

Deploring further the lack of follow-up by the Government of Burundi on the recommendations made the Commission of Inquiry in its previous report,[4]

Noting the downgrading of the accreditation of the Independent National Human Rights Commission of Burundi from A to B status as of 21 February 2018, and encouraging the State and the Commission to address the recommendations made by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions with regard to facilitating the reinstatement of A status accreditation, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),

Regretting the refusal by the Government of Burundi to cooperate fully in the implementation of Human Rights Council resolution 36/2, initiated by the African Group, by cancelling the visas of experts being deployed to the country,

1. *Condemns in the strongest terms* all acts of violence committed in Burundi by all parties or individuals, including the appalling attack against civilians perpetrated in Ruhagarika on 11 May 2018, and expresses deep concern at the continuously worrying human rights and humanitarian situation in Burundi, which particularly affects women and children;

2. *Strongly condemns* all human rights violations and abuses that persist in Burundi, particularly those involving extrajudicial killing, enforced disappearance, arbitrary arrest and detention, cases of torture, and other ill-treatment, sexual or gender-based violence, persecution of members of civil society, journalists and bloggers, members of the political opposition and demonstrators, and restrictions on the freedoms of expression, peaceful assembly and association, contributing to a climate of intimidation among the population;

3. *Expresses grave concern* at the findings of the Commission of Inquiry on Burundi with regard to the increased number of human rights violations and abuses committed by the Burundian defence and security forces, including the national intelligence service, the police and the armed forces and the Imbonerakure, the youth wing of the ruling party, in a climate of widespread impunity, while providing reasonable grounds to believe that some human rights violations may constitute crimes against humanity, as first found by the Commission of Inquiry with regard to the events of 2015 and 2016 in its report;[4]

4. *Expresses particular concern* at the growing role of the Imbonerakure, which the Commission of Inquiry found was being used as a substitute for law enforcement, particularly in the interior of the country, and in this context notes the possible responsibility of the Government of Burundi for the wrongful acts by the Imbonerakure;

5. *Condemns* the practice of widespread impunity for all human rights violations and abuses and related crimes, while noting that the few investigations launched by the Government of Burundi have not yielded any credible or tangible results, and reaffirms its call upon the Burundian authorities to conduct full, impartial, independent, effective and thorough investigations into serious violations and abuses of human rights so that all perpetrators, regardless of their affiliation, are held to account before a court, and all victims are allowed access to effective remedy and adequate reparation;

6. *Strongly urges* the Government of Burundi to give due consideration to the recommendations made by the Commission of Inquiry in its reports, and to implement them as appropriate;

7. *Strongly condemns* all statements made inside and outside the country that incite to discrimination, hate, violence or segregation against Burundian citizens, including civil society actors;

8. *Expresses concern* at the deregistration and continued suspension of a number of civil society organizations and political groups in Burundi, and at the intimidation,

[4] A/HRC/36/54 and Corr.1.

harassment, arbitrary arrest and criminalization of human rights defenders, most of whom have been forced into exile, and urges the Government of Burundi to ensure a safe and enabling operating environment for human rights defenders and civil society organizations to permit all media outlets to resume their activities free from harassment, intimidation or bullying, and to release all human rights defenders who have been arbitrarily sentenced;

9. *Welcomes* the announcement made by Burundian authorities earlier in 2018 of the release of more than 2,000 prisoners following the presidential pardon granted on 31 December 2017, and calls upon the Government of Burundi to release all those who have been arbitrarily arrested and are still being detained;

10. *Urges* the Government of Burundi to put an immediate end to all human rights violations and abuses, to ensure the safety, physical integrity and protection of its population, while fully adhering to international human rights and humanitarian law, to respect, protect and fulfil all human rights and fundamental freedoms for all, including freedom of expression, to promote the rule of law and to ensure accountability for those who have committed unlawful acts of violence;

11. *Calls upon* the Government of Burundi to follow up on and implement the recommendations accepted by the State in the context of the universal periodic review on 18 January 2018 and at its two previous reviews and to, inter alia, take the measures necessary to ensure that the Independent National Human Rights Commission fully complies with the Paris Principles;

12. *Regrets* the withdrawal of Burundi from the Rome Statute of the International Criminal Court, notes the opening in April 2016 by the Prosecutor of the International Criminal Court of an investigation effective as of 25 October 2017 following the finding made by the Pre-Trial Chamber that the supporting materials presented by the Prosecutor constituted a reasonable basis to proceed with an investigation in relation to crimes against humanity allegedly committed since at least 26 April 2015 by State agents and other groups, such as the Imbonerakure, implementing State policies, and stresses the relevance of the findings and the evidence collected by the Commission of Inquiry to international accountability mechanisms;

13. *Calls upon* the Government of Burundi to cooperate fully with the International Criminal Court in relation to the investigation that was authorized and initiated before the withdrawal of Burundi from the Rome Statute came into force;

14. *Deplores* the continued suspension of cooperation with the Office of the United Nations High Commissioner for Human Rights, underlines the need to enable the Office of the High Commissioner to fulfil its mandate and to resume its activities, including its monitoring and reporting functions, with full access to persons and locations, and urges the Government of Burundi promptly to finalize the agreement with the Office without undue conditions or further delays;

15. *Urges* the Government of Burundi to cooperate fully with the treaty bodies, to allow special procedure mandate holders to visit the country, and to stop any reprisal against human rights defenders who are cooperating with international human rights mechanisms, including the Human Rights Council;

16. *Welcomes* the work of the African Union human rights observers in Burundi, and reiterates its urgent call upon the Government of Burundi to sign without further delay the memorandum of understanding with the African Union, which will allow the human rights observers and military experts of the African Union to operate fully in the country in fulfilment of their mandated responsibilities;

17. *Recalls* that all States Members of the Human Rights Council should uphold the highest standards in the promotion and protection of human rights and fundamental freedoms, notes the importance of cooperation with international and regional human rights mechanisms as part of those efforts, and deplores the lack of respect shown by the Government of Burundi for those standards;

18. *Encourages* the Government of Burundi to cooperate, without preconditions, with the regionally led mediation efforts to create conditions for an inclusive and genuine

inter-Burundian dialogue that ensures the participation of women and involves all relevant stakeholders, including civil society representatives, from both inside and outside the country;

19. *Calls upon* the Burundian authorities to ensure equitable political processes and to enable a safe and open environment that is conducive to the holding of inclusive and transparent democratic elections in accordance with international standards;

20. *Expresses its deep concern* at the difficult situation of Burundians who have fled the country, including of the nearly 400,000 Burundians who are currently settled in five neighbouring countries, underlines the importance of upholding the voluntary nature of return, calls upon Governments in the region to ensure that those returns are voluntary, based on informed decisions and in safety and dignity, and welcomes the efforts of neighbouring countries and the international community to provide humanitarian support to those persons;

21. *Recommends* that the General Assembly submit the report of the Commission of Inquiry on Burundi[3] to the Security Council for its consideration and appropriate action, taking into account the relevant conclusions and recommendations of the Commission;

22. *Decides* to extend for a period of one year the mandate of the Commission of Inquiry on Burundi in order to deepen its investigations, and requests the Commission to present an oral briefing to the Human Rights Council at its fortieth and forty-first sessions, and to present its final report during an interactive dialogue to the Council at its forty-second session and to the General Assembly at its seventy-fourth session;

23. *Urges* the Government of Burundi to cooperate fully with the Commission of Inquiry, to authorize it to conduct country visits and to provide it with all the information necessary to properly fulfil its mandate;

24. *Requests* the Office of the High Commissioner to provide all the resources necessary to the Commission of Inquiry to allow it to fulfil its mandate properly;

25. *Decides* to remain seized of the matter.

United Nations A/HRC/39/L.15/Rev.1

General Assembly

Distr.: Limited
27 September 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Albania,* Andorra,* Australia, Austria,* Belgium, Bulgaria,* Canada,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Germany, Greece,* Hungary, Iceland, Ireland,* Italy,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands,* New Zealand,* Norway,* Poland,* Portugal,* Romania,* Slovakia, Slovenia, Spain, Sweden,* the former Yugoslav Republic of Macedonia,* Ukraine, United Kingdom of Great Britain and Northern Ireland: draft resolution

39/... Situation of human rights in Burundi

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Recalling further Human Rights Council resolutions 30/27 of 2 October 2015, S-24/1 of 17 December 2015, 33/24 of 30 September 2016, 36/2 of 28 September 2017 and 36/19 of 29 September 2017,

Recalling Security Council resolutions 2248 (2015) of 12 November 2015, 2279 (2016) of 1 April 2016 and 2303 (2016) of 29 July 2016,

Reaffirming that States have the primary responsibility to respect, protect and fulfil all human rights and fundamental freedoms,

Stressing the primary responsibility of the Government of Burundi for ensuring security in its territory and protecting its population in compliance with the rule of law, human rights law and international humanitarian law, as applicable,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and national unity of Burundi,

Recalling the Arusha Peace and Reconciliation Agreement for Burundi, which provides the foundation for peacebuilding, national reconciliation and the strengthening of democracy, good governance, pluralism and the rule of law,

* State not a member of the Human Rights Council.

Considering that the international community, including the Human Rights Council, can play a relevant role in preventing human rights violations and abuses and in mitigating the risk of escalation of conflict and deterioration in humanitarian situations,

Noting the constitutional referendum of 17 May 2018, which was held in a climate of intimidation and repression,

Welcoming the announcement of the President of Burundi not to run in the presidential election in 2020 as an encouraging sign contributing to opening up public and democratic space ahead of the election and to attaining a rule-based change of power,

Welcoming also the efforts of the facilitator for the inter-Burundi dialogue led by the East African Community, President Benjamin William Mkapa, and the mediator, President Yoweri Museveni, and the renewed commitment expressed by the Heads of State at the nineteenth ordinary summit of the East African Community on 23 February 2018 to a peaceful resolution of the political situation in Burundi by opening up political space and through inclusive dialogue based on the principles of the Arusha Agreement, notably ahead of the presidential election in 2020,

Noting with appreciation the repeated efforts made by the international community, including those by the African Union, the East African Community, the African Commission on Human and Peoples' Rights, the Peacebuilding Commission, the Special Envoy of the Secretary-General for Burundi and the European Union, to find a peaceful, consensual and long-lasting solution to the current crisis,

Taking note of the report of the Secretary-General on the situation in Burundi[1] and the observations and recommendations contained therein, including those on the need to convene an inclusive dialogue and to re-establish cooperation with United Nations human rights mechanisms,

Recalling the statement made by the President of the Security Council on 5 April 2018[2] and Council press statement of 22 August 2018, in which the members of the Council voiced their deep concern at the political situation in Burundi, the slow progress of the inter-Burundian dialogue and the lack of engagement by the Government of Burundi in that process, while expressing alarm at the continuously worrying human rights and humanitarian situation, in particular regarding fundamental freedoms, and recalled the commitments made by the Government during the thirty-sixth session of the Human Rights Council to re-establish full mutual cooperation with the Office of the United Nations High Commissioner in Bujumbura and to accept the visit of a team of three experts from the Office of the High Commissioner,

Recalling also resolution 396 on the human rights situation in Burundi, adopted by the African Commission on Human and Peoples' Rights at its sixty-second ordinary session, held from 25 April to 9 May 2018, in which it called upon the Government of Burundi to conduct without delay transparent and impartial investigations against all those responsible for human rights violations and abuses in order to bring the perpetrators to justice,

Welcoming the work of the Commission of Inquiry on Burundi, including its recent report,[3] and deploring the continued refusal by the Government of Burundi to cooperate with the Commission by, inter alia, denying it access to the country,

Deploring the decision by the Government of Burundi to declare the three members of the Commission of Inquiry on Burundi persona non grata in retaliation for the report presented by the Commission to the Human Rights Council at its thirty-ninth session,[3] and urging the Government to reconsider and revoke its decision,

Deploring also the threats, intimidation and personal attacks being directed by representatives of the Government against the members of the Commission of Inquiry,

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[1] S/2018/89.

[2] S/PRST/2018/7.

[3] A/HRC/39/63.

including during the interactive dialogues held by the Human Rights Council and the Third Committee,

Deploring further the lack of follow-up by the Government of Burundi on the recommendations made the Commission of Inquiry in its previous report,[4]

Noting the downgrading of the accreditation of the Independent National Human Rights Commission of Burundi from A to B status as of 21 February 2018, and encouraging the State and the Commission to address the recommendations made by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions with regard to facilitating the reinstatement of A status accreditation, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),

Regretting the refusal by the Government of Burundi to cooperate fully in the implementation of Human Rights Council resolution 36/2, initiated by the African Group, by cancelling the visas of experts being deployed to the country,

1. *Condemns in the strongest terms* all acts of violence committed in Burundi by all parties or individuals, including the appalling attack against civilians perpetrated in Ruhagarika on 11 May 2018, and expresses deep concern at the continuously worrying human rights and humanitarian situation in Burundi, which particularly affects women and children;

2. *Strongly condemns* all human rights violations and abuses that persist in Burundi, particularly those involving extrajudicial killing, enforced disappearance, arbitrary arrest and detention, cases of torture, and other ill-treatment, sexual or gender-based violence, persecution of members of civil society, journalists and bloggers, members of the political opposition and demonstrators, and restrictions on the freedoms of expression, peaceful assembly and association, contributing to a climate of intimidation among the population;

3. *Expresses grave concern* at the findings of the Commission of Inquiry on Burundi with regard to the increased number of human rights violations and abuses committed by the Burundian defence and security forces, including the national intelligence service, the police and the armed forces and the Imbonerakure, the youth wing of the ruling party, in a climate of widespread impunity, while providing reasonable grounds to believe that some human rights violations may constitute crimes against humanity, as first found by the Commission of Inquiry with regard to the events of 2015 and 2016 in its report;[4]

4. *Expresses particular concern* at the growing role of the Imbonerakure, which the Commission of Inquiry found was being used as a substitute for law enforcement, particularly in the interior of the country, and in this context notes the possible responsibility of the Government of Burundi for the wrongful acts by the Imbonerakure;

5. *Condemns* the practice of widespread impunity for all human rights violations and abuses and related crimes, while noting that the few investigations launched by the Government of Burundi have not yielded any credible or tangible results, and reaffirms its call upon the Burundian authorities to conduct full, impartial, independent, effective and thorough investigations into serious violations and abuses of human rights so that all perpetrators, regardless of their affiliation, are held to account before a court, and all victims are allowed access to effective remedy and adequate reparation;

6. *Strongly urges* the Government of Burundi to give due consideration to the recommendations made by the Commission of Inquiry in its reports, and to implement them as appropriate;

7. *Strongly condemns* all statements made inside and outside the country that incite to discrimination, hate, violence or segregation against Burundian citizens, including civil society actors;

[4] A/HRC/36/54 and Corr.1.

8. *Expresses concern* at the deregistration and continued suspension of a number of civil society organizations and political groups in Burundi, and at the intimidation, harassment, arbitrary arrest and criminalization of human rights defenders, most of whom have been forced into exile, and urges the Government of Burundi to ensure a safe and enabling operating environment for human rights defenders and civil society organizations to permit all media outlets to resume their activities free from harassment, intimidation or bullying, and to release all human rights defenders who have been arbitrarily sentenced;

9. *Welcomes* the announcement made by Burundian authorities earlier in 2018 of the release of more than 2,000 prisoners following the presidential pardon granted on 31 December 2017, and calls upon the Government of Burundi to release all those who have been arbitrarily arrested and are still being detained;

10. *Urges* the Government of Burundi to put an immediate end to all human rights violations and abuses, to ensure the safety, physical integrity and protection of its population, while fully adhering to international human rights and humanitarian law, to respect, protect and fulfil all human rights and fundamental freedoms for all, including freedom of expression, to promote the rule of law and to ensure accountability for those who have committed unlawful acts of violence;

11. *Calls upon* the Government of Burundi to follow up on and implement the recommendations accepted by the State in the context of the universal periodic review on 18 January 2018 and at its two previous reviews and to, inter alia, take the measures necessary to ensure that the Independent National Human Rights Commission fully complies with the Paris Principles;

12. *Notes* the opening in April 2016 by the Prosecutor of the International Criminal Court of an investigation effective as of 25 October 2017 following the finding made by the Pre-Trial Chamber that the supporting materials presented by the Prosecutor constituted a reasonable basis to proceed with an investigation in relation to crimes against humanity allegedly committed since at least 26 April 2015 by State agents and other groups, such as the Imbonerakure, implementing State policies, and stresses the relevance of the findings and the evidence collected by the Commission of Inquiry to international accountability mechanisms;

13. *Calls upon* the Government of Burundi to cooperate fully with the International Criminal Court in relation to the investigation that was authorized and initiated before the withdrawal of Burundi from the Rome Statute came into force;

14. *Deplores* the continued suspension of cooperation with the Office of the United Nations High Commissioner for Human Rights, underlines the need to enable the Office of the High Commissioner to fulfil its mandate and to resume its activities, including its monitoring and reporting functions, with full access to persons and locations, and urges the Government of Burundi promptly to finalize the agreement with the Office without undue conditions or further delays;

15. *Urges* the Government of Burundi to cooperate fully with the treaty bodies, to allow special procedure mandate holders to visit the country, and to stop any reprisal against human rights defenders who are cooperating with international human rights mechanisms, including the Human Rights Council;

16. *Welcomes* the work of the African Union human rights observers in Burundi, and reiterates its urgent call upon the Government of Burundi to sign without further delay the memorandum of understanding with the African Union, which will allow the human rights observers and military experts of the African Union to operate fully in the country in fulfilment of their mandated responsibilities;

17. *Recalls* that all States Members of the Human Rights Council should uphold the highest standards in the promotion and protection of human rights and fundamental freedoms, notes the importance of cooperation with international and regional human rights mechanisms as part of those efforts, and deplores the lack of respect shown by the Government of Burundi for those standards;

18. *Encourages* the Government of Burundi to cooperate, without preconditions, with the regionally led mediation efforts to create conditions for an inclusive and genuine inter-Burundian dialogue that ensures the participation of women and involves all relevant stakeholders, including civil society representatives, from both inside and outside the country;

19. *Calls upon* the Burundian authorities to ensure equitable political processes and to enable a safe and open environment that is conducive to the holding of inclusive and transparent democratic elections in accordance with international democratic standards;

20. *Expresses its deep concern* at the difficult situation of Burundians who have fled the country, including of the nearly 400,000 Burundians who are currently settled in five neighbouring countries, underlines the importance of upholding the voluntary nature of return, calls upon Governments in the region to continue their efforts with a view to ensuring that those returns are voluntary, based on informed decisions and in safety and dignity, and welcomes the efforts of neighbouring countries and the international community to provide humanitarian support to those persons;

21. *Requests* the Commission of Inquiry on Burundi to share its report[3] and recommendations with the African Union and all relevant organs of the United Nations for their consideration;

22. *Decides* to extend the mandate of the Commission of Inquiry on Burundi in order for it to deepen its investigations until it presents a final report to the Human Rights Council during an interactive dialogue at its forty-second session and to the General Assembly at its seventy-fourth session, and requests the Commission to present an oral briefing to the Council at its fortieth and forty-first sessions during an interactive dialogue;

23. *Urges* the Government of Burundi to cooperate fully with the Commission of Inquiry, to authorize it to conduct country visits and to provide it with all the information necessary to properly fulfil its mandate;

24. *Requests* the Office of the High Commissioner to provide all the resources necessary to the Commission of Inquiry to allow it to fulfil its mandate properly;

25. *Decides* to remain seized of the matter.

United Nations A/HRC/39/L.16

General Assembly

Distr.: Limited
26 September 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Algeria,* Bolivia (Plurinational State of),* Cuba, Ecuador, El Salvador,* Egypt, Haiti,* Kenya, Nicaragua,* Paraguay,* Philippines, South Africa, Togo, Venezuela (Bolivarian Republic of), State of Palestine:* draft resolution

39/... United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

The Human Rights Council,

Recalling all relevant Human Rights Council resolutions on the right to food, and recalling in particular Council resolutions 21/19 of 27 September 2012, 26/26 of 27 June 2014, 30/13 of 1 October 2015, and 36/22 of 29 September 2017 on the promotion and protection of the human rights of peasants and other people working in rural areas,

Welcoming with appreciation the constructive negotiations, participation and active engagement in the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas during its five sessions, and welcoming the report on its fifth session,[1]

1. *Adopts* the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, as contained in the annex to the present resolution;

2. *Recommends* that the General Assembly, in accordance with paragraph 5 (c) of its resolution 60/251 of 15 March 2006, adopt the following draft resolution:

"*The General Assembly*,

Welcoming the adoption by the Human Rights Council, through its resolution [39/x] of 28 September 2018, of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,

1. *Adopts* the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, as contained in the annex to the present resolution;

2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to disseminate the Declaration and to promote universal respect and understanding thereof."

* State not a member of the Human Rights Council.

[1] A/HRC/39/67.

Annex

United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas**

The Human Rights Council,

Recalling the principles proclaimed in the Charter of the United Nations, which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Taking into account the principles proclaimed in the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, relevant conventions of the International Labour Organization and other relevant international instruments that have been adopted at the universal or regional level,

Reaffirming the Declaration on the Right to Development, and that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,

Reaffirming also the United Nations Declaration on the Rights of Indigenous Peoples,

Reaffirming further that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling that the promotion and protection of one category of rights should never exempt States from the promotion and protection of the other rights,

Recognizing the special relationship and interaction between peasants and other people working in rural areas, and the land, water and nature to which they are attached and on which they depend for their livelihood,

Recognizing also the past, present and future contributions of peasants and other people working in rural areas in all regions of the world to development and to conserving and improving biodiversity, which constitute the basis of food and agricultural production throughout the world, and their contribution in ensuring the right to adequate food and food security which are fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development,

Concerned that peasants and other people working in rural areas suffer disproportionately from poverty, hunger and malnutrition,

Concerned also that peasants and other people working in rural areas suffer from the burdens caused by environmental degradation and climate change,

Concerned further about peasants ageing around the world and youth increasingly migrating to urban areas and turning their backs on agriculture owing to the lack of incentives and the drudgery of rural life, and recognizing the need to improve the economic

** Owing to time constraints, the annex is currently available in English only. Informal versions in French and Spanish may be consulted at www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/5thSession.aspx.
The translations of the annex in the official languages of the United Nations will be made available as soon as they are ready.

diversification of rural areas and the creation of non-farm opportunities, especially for rural youth,

Alarmed by the increasing number of peasants and other people working in rural areas forcibly evicted or displaced every year,

Alarmed also by the high incidence of suicide of peasants in several countries,

Stressing that peasant women and other rural women play a significant role in the economic survival of their families and in contributing to the rural and national economy, including through their work in the non-monetized sectors of the economy, but are often denied tenure and ownership of land, equal access to land, productive resources, financial services, information, employment or social protection, and are often victims of violence and discrimination in a variety of forms and manifestations,

Stressing also the importance of promoting and protecting the rights of the child in rural areas, including through the eradication of poverty, hunger and malnutrition, the promotion of quality education and health, protection from exposure to chemicals and wastes, and the elimination of child labour, in accordance with relevant human rights obligations,

Stressing further that several factors make it difficult for peasants and other people working in rural areas, including small-scale fishers and fish workers, pastoralists, foresters and other local communities to make their voices heard, to defend their human rights and tenure rights, and to secure the sustainable use of the natural resources on which they depend,

Recognizing that access to land, water, seeds and other natural resources is an increasing challenge for rural people, and stressing the importance of improving access to productive resources and investment in appropriate rural development,

Convinced that peasants and other people working in rural areas should be supported in their efforts to promote and undertake sustainable practices of agricultural production that support and are in harmony with nature, also referred to as Mother Earth in a number of countries and regions, including by respecting the biological and natural ability of ecosystems to adapt and regenerate through natural processes and cycles,

Considering the hazardous and exploitative conditions that exist in many parts of the world under which many peasants and other people working in rural areas have to work, often denied the opportunity to exercise their fundamental rights at work, and lacking living wages and social protection,

Concerned that individuals, groups and institutions that promote and protect the human rights of those working on land and natural resources issues face a high risk of being subject to different forms of intimidation and of violations of their physical integrity,

Noting that peasants and other people working in rural areas often face difficulties in gaining access to courts, police officers, prosecutors and lawyers to the extent that they are unable to seek immediate redress or protection from violence, abuse and exploitation,

Concerned about speculation on food products, the increasing concentration and unbalanced distribution of food systems and the uneven power relations along the value chains, which impair the enjoyment of human rights,

Reaffirming that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,

Recalling the right of peoples to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources,

Recognizing that the concept of food sovereignty has been used in many States and regions to designate the right to define their food and agriculture systems and the right to healthy and culturally appropriate food produced through ecologically sound and sustainable methods that respect human rights,

Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Declaration and in national law,

Reaffirming the importance of respecting the diversity of cultures and of promoting tolerance, dialogue and cooperation,

Recalling the extensive body of conventions and recommendations of the International Labour Organization on labour protection and decent work,

Recalling also the Convention on Biological Diversity and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity,

Recalling further the extensive work of the Food and Agriculture Organization of the United Nations and the Committee on World Food Security on the right to food, tenure rights, access to natural resources and other rights of peasants, in particular the International Treaty on Plant Genetic Resources for Food and Agriculture, and the Organization's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security,

Recalling the outcome of the World Conference on Agrarian Reform and Rural Development and the Peasants Charter adopted thereat, in which the need for the formulation of appropriate national strategies for agrarian reform and rural development, and their integration with overall national development strategies, was emphasized,

Reaffirming that the present Declaration and relevant international agreements shall be mutually supportive with a view to enhancing the protection of human rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Convinced of the need for greater protection of the human rights of peasants and other people working in rural areas, and for a coherent interpretation and application of existing international human rights norms and standards in this matter,

Solemnly adopts the following declaration on the rights of peasants and other people working in rural areas:

Article 1

1. For the purposes of the present Declaration, a peasant is any person who engages or who seeks to engage alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the land.

2. The present Declaration applies to any person engaged in artisanal or small-scale agriculture, crop planting, livestock raising, pastoralism, fishing, forestry, hunting or gathering, and handicrafts related to agriculture or a related occupation in a rural area. It also applies to dependent family members of peasants.

3. The present Declaration also applies to indigenous peoples and local communities working on the land, transhumant, nomadic and semi-nomadic communities, and the landless, engaged in the above-mentioned activities.

4. The present Declaration further applies to hired workers, including all migrant workers regardless of their migration status, and seasonal workers, on plantations, agricultural farms, forests and farms in aquaculture and in agro-industrial enterprises.

Article 2

1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the rights of the present Declaration that cannot be immediately guaranteed.

2. Particular attention shall be paid in the implementation of the present Declaration to the rights and special needs of peasants and other people working in rural areas, including older persons, women, youth, children and persons with disabilities, taking into account the need to address multiple forms of discrimination.

3. Without disregarding specific legislation on indigenous peoples, before adopting and implementing legislation and policies, international agreements and other decision-making processes that may affect the rights of peasants and other people working in rural areas, States shall consult and cooperate in good faith with peasants and other people working in rural areas through their own representative institutions, engaging with and seeking the support of peasants and other people working in rural areas who could be affected by decisions before those decisions are made, and responding to their contributions, taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.

4. States shall elaborate, interpret and apply relevant international agreements and standards to which they are a party in a manner consistent with their human rights obligations as applicable to peasants and other people working in rural areas.

5. States shall take all necessary measures to ensure that non-State actors that they are in a position to regulate, such as private individuals and organizations, and transnational corporations and other business enterprises, respect and strengthen the rights of peasants and other people working in rural areas.

6. States, recognizing the importance of international cooperation in support of national efforts for the realization of the purposes and objectives of the present Declaration, shall take appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of peasants and other people working in rural areas, among others. Such measures could include:

(a) Ensuring that relevant international cooperation, including international development programmes, is inclusive, accessible and pertinent to peasants and other people working in rural areas;

(b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;

(c) Facilitating cooperation in research and in access to scientific and technical knowledge;

(d) Providing, as appropriate, technical and economic assistance, facilitating access to and sharing of accessible technologies, and through the transfer of technologies, particularly to developing countries, on mutually agreed terms;

(e) Improving the functioning of markets at the global level and facilitating timely access to market information, including on food reserves, in order to help to limit extreme food price volatility and the attractiveness of speculation.

Article 3

1. Peasants and other people working in rural areas have the right to the full enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and all other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on any grounds such as origin, nationality, race, colour, descent, sex, language, culture, marital status, property, disability, age, political or other opinion, religion, birth or economic, social or other status.

2. Peasants and other people working in rural areas have the right to determine and develop priorities and strategies to exercise their right to development.

3. States shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination, including multiple and intersecting forms of discrimination, against peasants and people working in rural areas.

Article 4

1. States shall take all appropriate measures to eliminate all forms of discrimination against peasant women and other women working in rural areas and to promote their empowerment in order to ensure, on the basis of equality between men and women, that they fully and equally enjoy all human rights and fundamental freedoms and that they are able to freely pursue, participate in and benefit from rural economic, social, political and cultural development.

2. States shall ensure that peasant women and other women working in rural areas enjoy without discrimination all the human rights and fundamental freedoms set out in the present Declaration and in other international human rights instruments, including the rights:

(a) To participate equally and effectively in the formulation and implementation of development planning at all levels;

(b) To have equal access to the highest attainable standard of physical and mental health, including adequate health-care facilities, information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To receive all types of training and education, whether formal or non-formal, including training and education relating to functional literacy, and to benefit from all community and extension services in order to increase their technical proficiency;

(e) To organize self-help groups, associations and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have equal access to financial services, agricultural credit and loans, marketing facilities and appropriate technology;

(h) To equal access to, use of and management of land and natural resources, and to equal or priority treatment in land and agrarian reform and in land resettlement schemes;

(i) To decent employment, equal remuneration and social protection benefits, and to have access to income-generating activities;

(j) To be free from all forms of violence.

Article 5

1. Peasants and other people working in rural areas have the right to have access to and to use in a sustainable manner the natural resources present in their communities that are required to enjoy adequate living conditions, in accordance with article 28 of the present Declaration. They also have the right to participate in the management of these resources.

2. States shall take measures to ensure that any exploitation affecting the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted based on, but not limited to:

(a) A duly conducted social and environmental impact assessment;

(b) Consultations in good faith, in accordance with article 2.3 of the present Declaration;

(c) Modalities for the fair and equitable sharing of the benefits of such exploitation that have been established on mutually agreed terms between those exploiting the natural resources and the peasants and other people working in rural areas.

Article 6

1. Peasants and other people working in rural areas have the right to life, physical and mental integrity, liberty and security of person.

2. Peasants and other people working in rural areas shall not be subjected to arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, and shall not be held in slavery or servitude.

Article 7

1. Peasants and other people working in rural areas have the right to recognition everywhere as persons before the law.

2. States shall take appropriate measures to facilitate the freedom of movement of peasants and other people working in rural areas.

3. States shall, where required, take appropriate measures to cooperate with a view to addressing transboundary tenure issues affecting peasants and other people working in rural areas that cross international boundaries, in accordance with article 28 of the present Declaration.

Article 8

1. Peasants and other people working in rural areas have the right to freedom of thought, belief, conscience, religion, opinion, expression and peaceful assembly. They have the right to express their opinion, either orally, in writing or in print, in the form of art, or through any other media of their choice, at the local, regional, national and international levels.

2. Peasants and other people working in rural areas have the right, individually and/or collectively, in association with others or as a community, to participate in peaceful activities against violations of human rights and fundamental freedoms.

3. The exercise of the rights provided for in the present article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

4. States shall take all necessary measures to ensure protection by the competent authorities of everyone, individually and in association with others, against any violence, threat, retaliation, de jure or de facto discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise and defence of the rights described in the present Declaration.

Article 9

1. Peasants and other people working in rural areas have the right to form and join organizations, trade unions, cooperatives or any other organization or association of their own choosing for the protection of their interests, and to bargain collectively. Such organizations shall be independent and voluntary in character, and remain free from all interference, coercion or repression.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

3. States shall take appropriate measures to encourage the establishment of organizations of peasants and other people working in rural areas, including unions, cooperatives or other organizations, particularly with a view to eliminating obstacles to their establishment, growth and pursuit of lawful activities, including any legislative or administrative discrimination against such organizations and their members, and provide them with support to strengthen their position when negotiating contractual arrangements in order to ensure that conditions and prices are fair and stable and do not violate their rights to dignity and to a decent life.

Article 10

1. Peasants and other people working in rural areas have the right to active and free participation, directly and/or through their representative organizations, in the

preparation and implementation of policies, programmes and projects that may affect their lives, land and livelihoods.

2. States shall promote the participation, directly and/or through their representative organizations, of peasants and other people working in rural areas in decision-making processes that may affect their lives, land and livelihoods; this includes respecting the establishment and growth of strong and independent organizations of peasants and other people working in rural areas and promoting their participation in the preparation and implementation of food safety, labour and environmental standards that may affect them.

Article 11

1. Peasants and other people working in rural areas have the right to seek, receive, develop and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products.

2. States shall take appropriate measures to ensure that peasants and other people working in rural areas have access to relevant, transparent, timely and adequate information in a language and form and through means adequate to their cultural methods so as to promote their empowerment and to ensure their effective participation in decision-making in matters that may affect their lives, land and livelihoods.

3. States shall take appropriate measures to promote the access of peasants and other people working in rural areas to a fair, impartial and appropriate system of evaluation and certification of the quality of their products at the local, national and international levels, and to promote their participation in its formulation.

Article 12

1. Peasants and other people working in rural areas have the right to effective and non-discriminatory access to justice, including access to fair procedures for the resolution of disputes and to effective remedies for all infringements of their human rights. Such decisions shall give due consideration to their customs, traditions, rules and legal systems in conformity with relevant obligations under international human rights law.

2. States shall provide for non-discriminatory access, through impartial and competent judicial and administrative bodies, to timely, affordable and effective means of resolving disputes in the language of the persons concerned, and shall provide effective and prompt remedies, which may include a right of appeal, restitution, indemnity, compensation and reparation.

3. Peasants and other people working in rural areas have the right to legal assistance. States shall consider additional measures, including legal aid, to support peasants and other people working in rural areas who would otherwise not have access to administrative and judicial services.

4. States shall consider measures to strengthen relevant national institutions for the promotion and protection of all human rights, including the rights described in the present Declaration.

5. States shall provide peasants and other people working in rural areas with effective mechanisms for the prevention of and redress for any action that has the aim or effect of violating their human rights, arbitrarily dispossessing them of their land and natural resources or of depriving them of their means of subsistence and integrity, and for any form of forced sedentarization or population displacement.

Article 13

1. Peasants and other people working in rural areas have the right to work, which includes the right to choose freely the way they earn their living.

2. Children of peasants and other people working in rural areas have the right to be protected from any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to a child's health or physical, mental, spiritual, moral or social development.

3. States shall create an enabling environment with opportunities for work for peasants and other people working in rural areas and their families that provide remuneration allowing for an adequate standard of living.

4. In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall take appropriate measures to establish and promote sustainable food systems that are sufficiently labour-intensive to contribute to the creation of decent employment.

5. States, taking into account the specific characteristics of peasant agriculture and small-scale fisheries, shall monitor compliance with labour legislation by allocating, where required, appropriate resources to ensuring the effective operation of labour inspectorates in rural areas.

6. No one shall be required to perform forced, bonded or compulsory labour, be subject to the risk of becoming a victim of human trafficking or be held in any other form of contemporary slavery. States shall, in consultation and cooperation with peasants and other people working in rural areas and their representative organizations, take appropriate measures to protect them from economic exploitation, child labour and all forms of contemporary slavery, such as debt bondage of women, men and children, and forced labour, including of fishers and fish workers, forest workers, or seasonal or migrant workers.

Article 14

1. Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers, have the rights to work in safe and healthy working conditions, to participate in the application and review of safety and health measures, to select safety and health representatives and representatives in safety and health committees, to the implementation of measures to prevent, reduce and control hazards and risks, to have access to adequate and appropriate protective clothing and equipment and to adequate information and training on occupational safety, to work free from violence and harassment, including sexual harassment, to report unsafe and unhealthy working conditions, and to remove themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health, without being subject to any work-related retaliation for exercising such rights.

2. Peasants and other people working in rural areas have the right not to use or to be exposed to hazardous substances or toxic chemicals, including agrochemicals or agricultural or industrial pollutants.

3. States shall take appropriate measures to ensure favourable safe and healthy working conditions for peasants and other people working in rural areas, and shall in particular designate appropriate competent authorities responsible, and establish mechanisms for intersectoral coordination for the implementation of policies and enforcement of national laws and regulations on occupational safety and health in agriculture, the agro-industry and fisheries, provide for corrective measures and appropriate penalties, and establish and support adequate and appropriate systems of inspection for rural workplaces.

4. States shall take all measures necessary to ensure:

(a) The prevention of risks to health and safety derived from technologies, chemicals and agricultural practices, including through their prohibition and restriction;

(b) An appropriate national system or any other system approved by the competent authority establishing specific criteria for the importation, classification, packaging, distribution, labelling and use of chemicals used in agriculture, and for their prohibition or restriction;

(c) That those who produce, import, provide, sell, transfer, store or dispose of chemicals used in agriculture comply with national or other recognized safety and health standards, and provide adequate and appropriate information to users in the appropriate official language or languages of the country and, on request, to the competent authority;

(d) That there is a suitable system for the safe collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment;

(e) The development and implementation of educational and public awareness programmes on the health and environmental effects of chemicals commonly used in rural areas, and on alternatives to them.

Article 15

1. Peasants and other people working in rural areas have the right to adequate food and the fundamental right to be free from hunger. This includes the right to produce food and the right to adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development.

2. States shall ensure that peasants and other people working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably, respecting their cultures, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and/or collectively, responding to their needs.

3. States shall take appropriate measures to combat malnutrition in rural children, including within the framework of primary health care through, inter alia, the application of readily available technology and the provision of adequate nutritious food and by ensuring that women have adequate nutrition during pregnancy and lactation. States shall also ensure that all segments of society, in particular parents and children, are informed, have access to nutritional education and are supported in the use of basic knowledge on child nutrition and the advantages of breastfeeding.

4. Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.

5. States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect the right to adequate food, food security and food sovereignty and sustainable and equitable food systems that promote and protect the rights contained in the present Declaration. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of the rights contained in the present Declaration.

Article 16

1. Peasants and other people working in rural areas have the right to an adequate standard of living for themselves and their families, and to facilitated access to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They also have the right to engage freely, individually and/or collectively, in association with others or as a community, in traditional ways of farming, fishing, livestock rearing and forestry and to develop community-based commercialization systems.

2. States shall take appropriate measures to favour the access of peasants and other people working in rural areas to the means of transportation, and processing, drying and storage facilities necessary for selling their products on local, national and regional markets at prices that guarantee them a decent income and livelihood.

3. States shall take appropriate measures to strengthen and support local, national and regional markets in ways that facilitate, and ensure that peasants and other people working in rural areas have, full and equitable access and participation in these markets to sell their products at prices that allow them and their families to attain an adequate standard of living.

4. States shall take all appropriate measures to ensure that their rural development, agricultural, environmental, trade and investment policies and programmes contribute effectively to protecting and strengthening local livelihood options and to the transition to sustainable modes of agricultural production. States shall stimulate sustainable production, including agroecological and organic production, whenever possible, and facilitate direct farmer-to-consumer sales.

5. States shall take appropriate measures to strengthen the resilience of peasants and other people working in rural areas against natural disasters and other severe disruptions, such as market failures.

6. States shall take appropriate measures to ensure fair wages and equal remuneration for work of equal value, without distinction of any kind.

Article 17

1. Peasants and other people living in rural areas have the right to land, individually and/or collectively, in accordance with article 28 of the present Declaration, including the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.

2. States shall take appropriate measures to remove and prohibit all forms of discrimination relating to the right to land, including those resulting from change of marital status, lack of legal capacity or lack of access to economic resources.

3. States shall take appropriate measures to provide legal recognition for land tenure rights, including customary land tenure rights not currently protected by law, recognizing the existence of different models and systems. States shall protect legitimate tenure, and ensure that peasants and other people working in rural areas are not arbitrarily or unlawfully evicted and that their rights are not otherwise extinguished or infringed. States shall recognize and protect the natural commons and their related systems of collective use and management.

4. Peasants and other people working in rural areas have the right to be protected against arbitrary and unlawful displacement from their land or place of habitual residence, or from other natural resources used in their activities and necessary for the enjoyment of adequate living conditions. States shall incorporate protections against displacement into domestic legislation that are consistent with international human rights and humanitarian law. States shall prohibit arbitrary and unlawful forced eviction, the destruction of agricultural areas and the confiscation or expropriation of land and other natural resources, including as a punitive measure or as a means or method of war.

5. Peasants and other people working in rural areas who have been arbitrarily or unlawfully deprived of their lands have the right, individually and/or collectively, in association with others or as a community, to return to their land of which they were arbitrarily or unlawfully deprived, including in cases of natural disasters and/or armed conflict and to have restored their access to the natural resources used in their activities and necessary for the enjoyment of adequate living conditions, whenever possible, or to receive just, fair and lawful compensation when their return is not possible.

6. Where appropriate, States shall take appropriate measures to carry out agrarian reforms in order to facilitate broad and equitable access to land and other natural resources necessary to ensure that peasants and other people working in rural areas enjoy adequate living conditions, and to limit excessive concentration and control of land, taking into account its social function. Landless peasants, young people, small-scale fishers and other rural workers should be given priority in the allocation of public lands, fisheries and forests.

7. States shall take measures aimed at the conservation and sustainable use of land and other natural resources used in their production, including, among others, through agroecology, and ensure the conditions for the regeneration of biological and other natural capacities and cycles.

Article 18

1. Peasants and other people working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use and manage.

2. States shall take appropriate measures to ensure that peasants and other people working in rural areas enjoy, without discrimination, a safe, clean and healthy environment.

3. States shall comply with their respective international obligations to combat climate change. Peasants and other people working in rural areas have the right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge.

4. States shall take effective measures to ensure that no hazardous material, substance or waste is stored or disposed of on the land of peasants and other people working in rural areas, and shall cooperate to address the threats to the enjoyment of their rights that result from transboundary environmental harm.

5. States shall protect peasants and other people working in rural areas against abuses by non-State actors, including by enforcing environmental laws that contribute, directly or indirectly, to the protection of the rights of peasants or other people working in rural areas.

Article 19

1. Peasants and other people working in rural areas have the right to seeds, in accordance with article 28 of the present Declaration, including:

(a) The right to the protection of traditional knowledge relevant to plant genetic resources for food and agriculture;

(b) The right to equitably participate in sharing the benefits arising from the utilization of plant genetic resources for food and agriculture;

(c) The right to participate in the making of decisions on matters relating to the conservation and sustainable use of plant genetic resources for food and agriculture;

(d) The right to save, use, exchange and sell their farm-saved seed or propagating material.

2. Peasants and other people working in rural areas have the right to maintain, control, protect and develop their own seeds and traditional knowledge.

3. States shall take measures to respect, protect and fulfil the right to seeds of peasants and other people working in rural areas.

4. States shall ensure that seeds of sufficient quality and quantity are available to peasants at the most suitable time for planting, and at an affordable price.

5. States shall recognize the rights of peasants to rely either on their own seeds or on other locally available seeds of their choice, and to decide on the crops and species that they wish to grow.

6. States shall take appropriate measures to support peasant seed systems, and promote the use of peasant seeds and agrobiodiversity.

7. States shall take appropriate measures to ensure that agricultural research and development integrates the needs of peasants and other people working in rural areas, and to ensure their active participation in the definition of priorities and the undertaking of research and development, taking into account their experience, and increase investment in research and the development of orphan crops and seeds that respond to the needs of peasants and other people working in rural areas.

8. States shall ensure that seed policies, plant variety protection and other intellectual property laws, certification schemes and seed marketing laws respect and take

into account the rights, needs and realities of peasants and other people working in rural areas.

Article 20

1. States shall take appropriate measures, in accordance with their relevant international obligations, to prevent the depletion and ensure the conservation and sustainable use of biodiversity in order to promote and protect the full enjoyment of the rights of peasants and other people working in rural areas.

2. States shall take appropriate measures to promote and protect the traditional knowledge, innovation and practices of peasants and other people working in rural areas, including traditional agrarian, pastoral, forestry, fisheries, livestock and agroecological systems relevant to the conservation and sustainable use of biological diversity.

3. States shall prevent risks of violation of the rights of peasants and other people working in rural areas arising from the development, handling, transport, use, transfer or release of any living modified organisms.

Article 21

1. Peasants and other people working in rural areas have the human rights to safe and clean drinking water and to sanitation, which are essential for the full enjoyment of life and all human rights and human dignity. These rights include water supply systems and sanitation facilities that are of good quality, affordable and physically accessible, and non-discriminatory and acceptable in cultural and gender terms.

2. Peasants and other people working in rural areas have the right to water for personal and domestic use, farming, fishing and livestock keeping and to securing other water-related livelihoods, ensuring the conservation, restoration and sustainable use of water. They have the right to equitable access to water and water management systems, and to be free from arbitrary disconnections or the contamination of water supplies.

3. States shall respect, protect and ensure access to water, including in customary and community-based water management systems, on a non-discriminatory basis, and shall take measures to guarantee affordable water for personal, domestic and productive uses, and improved sanitation, in particular for rural women and girls, and persons belonging to disadvantaged or marginalized groups, such as nomadic pastoralists, workers on plantations, all migrants regardless of their migration status, and persons living in irregular or informal settlements. States shall promote appropriate and affordable technologies, including irrigation technology, technologies for the reuse of treated wastewater, and for water collection and storage.

4. States shall protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes, from overuse and contamination by harmful substances, in particular by industrial effluent and concentrated minerals and chemicals that result in slow and fast poisoning.

5. States shall prevent third parties from impairing the enjoyment of the right to water of peasants and other people working in rural areas. States shall prioritize water for human needs before other uses, promoting its conservation, restoration and sustainable use.

Article 22

1. Peasants and other people working in rural areas have the right to social security, including social insurance.

2. States shall, according to their national circumstances, take appropriate steps to promote the enjoyment of the right to social security of all migrant workers in rural areas.

3. States shall recognize the rights of peasants and other people working in rural areas to social security, including social insurance, and, in accordance with national circumstances, should establish or maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security, which

together secure effective access to goods and services defined as necessary at the national level.

4. Basic social security guarantees should be established by law. Impartial, transparent, effective, accessible and affordable grievance and appeal procedures should also be specified. Systems should be in place to enhance compliance with national legal frameworks.

Article 23

1. Peasants and other people working in rural areas have the right to the enjoyment of the highest attainable standard of physical and mental health. They also have the right to have access, without any discrimination, to all social and health services.

2. Peasants and other people working in rural areas have the right to use and protect their traditional medicines and to maintain their health practices, including access to and conservation of their plants, animals and minerals for medicinal use.

3. States shall guarantee access to health facilities, goods and services in rural areas on a non-discriminatory basis, especially for groups in vulnerable situations, access to essential medicines, immunization against major infectious diseases, reproductive health, information concerning the main health problems affecting the community, including methods of preventing and controlling them, maternal and child health care, as well as training for health personnel, including education on health and human rights.

Article 24

1. Peasants and other people working in rural areas have the right to adequate housing. They have the right to sustain a secure home and community in which to live in peace and dignity, and the right to non-discrimination in this context.

2. Peasants and other people working in rural areas have the right to be protected against forced eviction from their home, harassment and other threats.

3. States shall not, arbitrarily or unlawfully, either temporarily or permanently, remove peasants or other people working in rural areas against their will from the homes or land that they occupy without providing or affording access to appropriate forms of legal or other protection. When eviction is unavoidable, the State must provide or ensure fair and just compensation for any material or other losses.

Article 25

1. Peasants and other people working in rural areas have the right to adequate training suited to the specific agroecological, sociocultural and economic environments in which they find themselves. Issues covered by training programmes should include, but not be limited to, improving productivity, marketing, and the ability to cope with pests, pathogens, system shocks, the effects of chemicals, climate change and weather-related events.

2. All children of peasants and other people working in rural areas have the right to education in accordance with their culture, and with all the rights contained in human rights instruments.

3. States shall encourage equitable and participatory farmer-scientist partnerships, such as farmer field schools, participatory plant breeding, and plant and animal health clinics to respond more appropriately to the immediate and emerging challenges that peasants and other people working in rural areas face.

4. States shall invest in providing training, market information and advisory services at the farm level.

Article 26

1. Peasants and other people working in rural areas have the right to enjoy their own culture and to pursue freely their cultural development, without interference or any form of discrimination. They also have the right to maintain, express, control, protect and develop their traditional and local knowledge, such as ways of life, methods of production

or technology, or customs and tradition. No one may invoke cultural rights to infringe upon the human rights guaranteed by international law, nor to limit their scope.

2. Peasants and other people working in rural areas have the right, individually and/or collectively, in association with others or as a community, to express their local customs, languages, culture, religions, literature and art, in conformity with international human rights standards.

3. States shall respect, and take measures to recognize and protect, the rights of peasants and other people working in rural areas relating to their traditional knowledge, and eliminate discrimination against the traditional knowledge, practices and technologies of peasants and other people working in rural areas.

Article 27

1. The specialized agencies, funds and programmes of the United Nations system, and other intergovernmental organizations, including international and regional financial organizations, shall contribute to the full realization of the present Declaration, including through the mobilization of, inter alia, development assistance and cooperation. Ways and means of ensuring the participation of peasants and other people working in rural areas on issues affecting them shall be considered.

2. The United Nations and its specialized agencies, funds and programmes, and other intergovernmental organizations, including international and regional financial organizations, shall promote respect for and the full application of the present Declaration, and follow up on its effectiveness.

Article 28

1. Nothing in the present Declaration may be construed as diminishing, impairing or nullifying the rights that peasants and other people working in rural areas and indigenous peoples currently have or may acquire in the future.

2. The human rights and fundamental freedoms of all, without discrimination of any kind, shall be respected in the exercise of the rights enunciated in the present Declaration. The exercise of the rights set forth in the present Declaration shall be subject only to such limitations as are determined by law and that are compliant with international human rights obligations. Any such limitations shall be non-discriminatory and necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others, and for meeting the just and most compelling requirements of a democratic society.

United Nations A/HRC/39/L.17

General Assembly

Distr.: Limited
24 September 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 10
Technical assistance and capacity-building

Albania,* Australia, Austria,* Belgium, Bulgaria,* Croatia, Cyprus,* Denmark,* Finland,* France,* Georgia, Germany, Hungary, Iceland, Ireland,* Italy,* Lithuania,* Luxembourg,* Malta,* Montenegro,* Netherlands,* New Zealand,* Norway,* Romania,* Somalia,* Spain, Sweden,* the former Yugoslav Republic of Macedonia,* Turkey,* Ukraine, United Kingdom of Great Britain and Northern Ireland: draft resolution

39/... Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming also its previous resolutions on Somalia,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007,

Recognizing that the primary responsibility for promoting and protecting human rights in Somalia rests with the Federal Government of Somalia and that enhancing the legal framework, human rights protection systems and the capacity and legitimacy of institutions is essential to help to combat impunity and to improve accountability for human rights violations and to encourage reconciliation,

Recognizing also the need for all authorities engaged in security to uphold international human rights commitments and obligations and to address abuse and the excessive use of force against civilians,

Recognizing further the importance and effectiveness of international assistance to Somalia and the continued need to step up the scale, coordination, coherence and quality of all capacity development and technical assistance to Somalia in the field of human rights at the national and federal Member State levels, and in that regard welcoming the Somalia Partnership Forums held in Mogadishu and Brussels at which Somalia and international partners reaffirmed their commitment to the New Partnership for Somalia, which set out

* State not a member of the Human Rights Council.

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the terms of international support for Somali priorities, including on human rights, and the Security Pact to provide Somali-led security and protection in accordance with international humanitarian law and international human rights law, as appropriate,

Recognizing the sustained and vital commitment of the African Union Mission in Somalia and the loss and sacrifice of personnel killed in action, and recognizing also that the commitments from the Mission and the Intergovernmental Authority on Development are creating the conditions for Somalia to establish political institutions and to extend State authority, which are key to laying the foundations for a staged transfer of security responsibility to Somali security forces,

Recognizing also the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society, the need to take special measures to protect women and girls from gender-based violence and all other forms of violence in situations of armed conflict, to end impunity and prosecute those responsible for violence against women and girls, and the importance of promoting their economic empowerment and participation in political and public decision-making processes, including within Parliament and at all levels of government, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

1. *Welcomes* the commitment of the Federal Government of Somalia to improve the situation of human rights in Somalia, and in that regard also welcomes:

(a) The progressive improvement in the human rights context in Somalia, not least through progress towards the ambitious goals set out in the New Partnership for Somalia and the National Development Framework of Somalia to promote stability and development with respect for human rights by, inter alia, strengthening the rule of law, promoting inclusivity in political decision-making, particularly for women, young persons, minorities and persons with disabilities, delivering a constitutional settlement that guarantees freedoms of expression and association, and addressing security threats in a manner that respects human rights obligations and protects civilians;

(b) The landmark political agreement between the Federal Government and federal Member States, which paves the way for the drafting, consultation and passage of an electoral law by December 2018 as a first step towards realizing historic one-person, one-vote elections in 2020 and, in particular, the commitment of the Federal Government, federal Member States and the National Independent Election Commission to protect inclusivity in terms of ensuring equal participation and representation of women in decision-making, as well as displaced persons, young persons, persons with disabilities, minorities and all members of disadvantaged groups, at all stages of the electoral cycle;

(c) The cooperation between representatives of the Federal Government and federal Member States, youth groups, women, civil society organizations, professional associations, religious scholars, members of the Somali diaspora, persons with disabilities and traditional elders convention in May 2018 to launch the constitutional review process in Mogadishu, recognizing the importance of an inclusive and Somali-led process that delivers a political settlement supporting ongoing efforts in peace, development and the enjoyment of all human rights in Somalia;

(d) The formulation of the Transition Plan, which defines transition as the emergence of effective Somali security institutions and the progressive handover of responsibility from the African Union Mission in Somalia towards increased Somali ownership for its citizens' security, appreciating, in particular, that this approach is underpinned by a focus on the rule of law, reconciliation, justice, respect for human rights, and the protection of women and girls, and children;

(e) The continued commitment of the Federal Government, federal Member States and the Banadir Regional Authority to improve representation, inclusion and the participation of women in public and political affairs and, in particular, in leadership roles;

(f) The Federal Government's endorsement of the Charter for Change at the Global Disability Summit in July 2018, and its commitment to entrench the rights of persons with disabilities in social, educational, political and economic life through the first ever bill on national disability for Somalia and other legislative mechanisms, improving the

collection of data on persons with disabilities and by approving the creation of a national disability agency;

(g) The work undertaken by the Ministry for Women and Human Rights Development as the lead body of the Federal Government to advance the human rights agenda in Somalia, together with progress in the establishment of a national human rights commission to monitor and provide accountability for violations and abuses, including a recruitment process that guarantees the representation of women, marginalized groups and persons with disabilities;

(h) The development of and agreement on key policies and plans, including a post-transition human rights road map, a national gender policy and a national plan of action on eradicating sexual violence in conflict;

(i) Progress on key legislation, including the enactment of the child protection bill, progress towards the adoption of a bill on sexual offences and the implementation of a media law, through consultation with media organizations and civil societies, in order to provide a framework for upholding freedom of expression;

2. *Also welcomes* the continued commitment of the Federal Government to the universal periodic review process, and in this regard further welcomes its acceptance of the many recommendations made during the review and encourages their implementation;

3. *Expresses concern* at reports of violations and abuses of human rights in Somalia, and underscores the need to end impunity, to uphold respect for human rights for all and to hold accountable all those responsible for such violations and abuses and related crimes;

4. *Expresses particular concern* at the abuses and violations perpetrated against girls and women, including sexual and gender-based violence, child, early and forced marriage and all forms of female genital mutilation;

5. *Also expresses particular concern* at the abuses and violations committed against children, emphasizes the need for accountability and justice for all such violations and abuses, including the unlawful recruitment and use of child soldiers and children in armed conflict, killing and maiming, rape and other sexual and gender-based violence, abductions and, in the treatment of children recaptured from non-State armed groups, and also emphasizes the importance that such children be recognized as victims and the need to establish and implement rehabilitation and reintegration programmes, including by taking into account the specific needs of girls;

6. *Expresses concern* that internally displaced persons, including the most marginalized and vulnerable, which may include women, children and persons belonging to minority groups, are the most at risk of violence, abuse and violations;

7. *Also expresses concern* at the attacks against and harassment of human rights defenders and the media in Somalia, including journalists, especially in the form of arbitrary arrest or prolonged detention, and emphasizes the need to promote respect for freedom of expression and opinion and to end impunity, holding accountable those who commit any such related crimes;

8. *Recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable, and to support internally displaced persons in Somalia;

9. *Calls upon* the Federal Government, with the support of the international community:

(a) To continue progress towards settling outstanding constitutional issues and completing the constitutional review process in an inclusive manner that promotes the building of peace and the rule of law, protects the freedoms of expression and association, and includes targeted provisions that enable and facilitate the advancement of women,

children, young persons, persons with disabilities, minorities and all members of disadvantaged groups in the areas of access to justice, education, health, security and economic recovery;

(b) To secure constitutional provisions for the equal representation, participation and inclusion of women, particularly in leadership and decision-making roles in public and elected offices and the civil service through the constitutional review and other ongoing political and legislative processes;

(c) To meet commitments to deliver legislation by December 2018 that will pave the way for historic one-person, one-vote elections in 2020, and to ensure that this and other measures promote the inclusivity of these elections, particularly by ensuring the equal participation and representation of women in decision-making and in leadership positions, as well as of internally displaced persons, young persons, persons with disabilities, minorities and all members of disadvantaged groups at all stages of the electoral cycle;

(d) To realize commitments to security sector reform, including by ensuring the active participation of women in the implementation of the national security architecture, to ensure that Somali security forces and institutions comply with applicable national and international law, together with international human rights law, including on the protection of individuals from, inter alia, sexual and gender-based violence, and on the prevention of extrajudicial killings, and the strengthening of internal and external accountability of all relevant security forces and institutions;

(e) To continue measures to implement the plans of action to prevent the unlawful recruitment and use of children in the national armed forces, and to work with specialist agencies, such as the United Nations Children's Fund, to ensure that former child soldiers and children under 18 years of age used in armed conflict are treated as victims and rehabilitated in accordance with international standards;

(f) To realize commitments to ending the prevailing culture of impunity, to hold accountable those who commit human rights violations and abuses, ensuring prompt, independent, impartial, thorough and effective investigations into human rights violations by urgently concluding the establishment of a resourced and independent national human rights commission and by reforming State and traditional justice mechanisms to increase the representation of women in the judiciary, and to improve access to justice for women and children;

(g) To prioritize the enactment of legislation and undertake reforms that respect, protect and promote women's and girls' full enjoyment of all human rights and to allow for the response, prevention and elimination of all forms of violence and discrimination against women and girls, including by adopting a zero-tolerance approach to sexual and gender-based violence, child, early and forced marriage and all forms of female genital mutilation, ensuring that those responsible for sexual and gender-based violence, exploitation and abuse are held to account, regardless of their status or rank;

(h) To meet commitments to complete the national reconciliation plan by the end of 2018, in order to promote reconciliation and dialogue at the federal, federal Member State and subnational levels, while recognizing the importance of the valuable assistance provided by the Intergovernmental Authority on Development;

(i) To increase the support and resources allocated to the ministries and institutions responsible for the administration of justice and the protection of human rights, particularly the Ministry for Women and Human Rights Development at the federal and State levels, the judiciary, the police and correctional services;

(j) To implement fully the media protection law, to protect and uphold freedom of expression and a free media, to create a safe and enabling environment in which journalists and human rights defenders can operate free from hindrance and insecurity, to continue efforts to prohibit, prevent and protect against all kidnappings, killings, attacks, acts of intimidation and harassment of journalists, to initiate timely, effective, impartial and transparent investigations into the killings of journalists, and to prosecute all those responsible for unlawful acts in a manner that is in accordance with the provisions in the

media protection law and is consistent with other applicable national and international legal obligations;

(k) To consider acceding to and ratifying the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Prevention and Punishment of the Crime of Genocide;

(l) To realize commitments made at the Global Disability Summit, particularly by enacting a national disability bill in accordance with the Convention on the Rights of Persons with Disabilities and in consultation with organizations of disabled persons, and by establishing a national disability agency;

(m) To finalize the review of and raise awareness about the new sexual offences bill, to ensure that any bill passed into law reflects international obligations and commitments on the protection of children, women and girls, and to implement it and other laws as necessary to prevent sexual and gender-based violence;

(n) To harmonize national and federal Member State-level political policies and legal frameworks with applicable human rights obligations and other commitments;

(o) To treat former combatants in accordance with applicable obligations under national and international law, in particular international human rights law and international humanitarian law;

(p) To implement the Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia, adopted in Nairobi on 25 March 2017;

(q) To promote the well-being and protection of all internally displaced persons, including from sexual and gender-based violence, and also from exploitation and abuse committed by State or international military or civilian personnel, to facilitate the voluntary reintegration or return of all internally displaced persons, including the most vulnerable, in safety and with dignity, to ensure a fully consultative process and best practice for relocations, to provide sites that provide safe access to essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation;

(r) To ensure unhindered access for humanitarian organizations, to recognize the acute vulnerability of internally displaced persons, to facilitate full, rapid and unimpeded humanitarian access to people in need, wherever they are in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference, while remaining sensitive to the needs of persons belonging to ethnic minorities requiring humanitarian assistance;

10. *Stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by national and international experts and the Federal Government, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn must be for the benefit of all Somalis;

11. *Underlines* the importance of the realization by the United Nations Assistance Mission in Somalia of its mandate throughout Somalia and the need to ensure synergy with the work of the Office of the United Nations High Commissioner for Human Rights;

12. *Commends* the engagement of the Independent Expert on the situation of human rights in Somalia;[1]

13. *Decides* to renew the mandate of the Independent Expert, under agenda item 10, for a period of one year to assess, monitor and report on the situation of human rights in Somalia with a view to making recommendations on technical assistance and capacity-building in the field of human rights;

[1] See A/HRC/39/72.

14. *Requests* the Independent Expert to continue to work closely with the Federal Government at the national and subnational levels, with all United Nations bodies, including the United Nations Assistance Mission in Somalia, with the African Union, the Intergovernmental Authority on Development and other relevant international organizations, civil society and all relevant human rights mechanisms, and to assist Somalia in the implementation of:

(a) Its national and international human rights obligations;

(b) Human Rights Council resolutions and other human rights instruments, including associated routine reporting;

(c) Recommendations accepted in the context of the universal periodic review;

(d) Other human rights commitments, policies and legislation to promote the empowerment of women, young people and marginalized groups, freedom of expression and assembly, the protection of the media, access to justice for women, and increasing the capacity of ministries and institutions responsible for the administration of justice and the protection of human rights;

15. *Also requests* the Independent Expert to report to the Human Rights Council at its forty-second session and to the General Assembly at its seventy-fourth session;

16. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out his mandate fully;

17. *Decides* to remain actively seized of the matter.

United Nations A/HRC/39/L.18

General Assembly

Distr.: Limited
25 September 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Chile, Ecuador, Guatemala,* Honduras,* Mexico, Montenegro,* Paraguay,* Peru, Ukraine: draft resolution

39/... Human rights and indigenous peoples

The Human Rights Council,

Recalling all relevant General Assembly, Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples,

Reaffirming its support to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recognizing that, since its adoption, the United Nations Declaration on the Rights of Indigenous Peoples has positively influenced the drafting of several constitutions and statutes at the national and local levels and contributed to the progressive development of international and national legal frameworks and policies as it applies to indigenous peoples,

Recalling the adoption in September 2014 of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[1]

Appreciating the current efforts towards the promotion, protection and fulfilment of the rights of indigenous peoples, recalling the commitment made by the General Assembly at the World Conference to consider ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, and welcoming Assembly resolution 71/321 of 8 September 2017,

Acknowledging the participation of indigenous peoples' representatives and institutions in the meetings of various United Nations organs and their subsidiary bodies, in particular the Human Rights Council and the Expert Mechanism on the Rights of Indigenous Peoples,

Acknowledging also the study of the Expert Mechanism entitled "Free, prior and informed consent: a human rights-based approach",[2] and encouraging all parties to consider

* State not a member of the Human Rights Council.

[1] General Assembly resolution 69/2 of 22 September 2014.

[2] A/HRC/39/62.

the examples of good practices and recommendations included in the study as practical advice on how to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples,

Taking note of the report of the Special Rapporteur on the rights of indigenous peoples,[3] noting with concern her findings with regard to attacks against and the criminalization of indigenous human rights defenders and the prevention and protection measures available, and calling upon all States to consider the recommendations contained in the report,

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, young persons, elderly persons and persons with disabilities and to intensify efforts to prevent and eliminate violence and multiple and intersecting forms of discrimination in this regard, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the World Conference,

Recalling the adoption of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) by the International Labour Organization, and its important contribution to the promotion and protection of the rights of indigenous peoples,

Recognizing that indigenous peoples are among the first to face the direct consequences of climate change owing to their dependence upon and close relationship with the environment and its resources, and welcoming the role of indigenous peoples in achieving the objectives of the United Nations Framework Convention on Climate Change, the Paris Agreement and the targets and goals of the 2030 Agenda for Sustainable Development,

Bearing in mind the importance of the empowerment and capacity-building of indigenous women and young persons, including their full and effective participation in decision-making processes in matters that affect them directly, including policies, programmes and resources, where relevant, that target the well-being of indigenous women, children and young persons, in particular in the areas of health, education, employment and the transmission of traditional knowledge, languages and practices, and the importance of taking measures to promote awareness and understanding of their rights,

1. *Acknowledges* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,[4] and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on the relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the High Commissioner at headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration;

2. *Takes note* of the work of the Special Rapporteur on the rights of indigenous peoples, including the official visits made and her reports, and encourages all Governments to respond favourably to her requests for visits;

3. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, including its annual report,[5] and its intersessional activities, and requests the Office of the High Commissioner to ensure timely translation in all official languages of the United Nations and distribution of these reports for the Council and pre-session translation of the studies and reports of the Expert Mechanism, in accordance with Council resolution 33/25 of 30 September 2016;

4. *Strongly encourages* States to participate actively in the sessions of the Expert Mechanism and to engage in dialogue with it, including during its intersessional activities;

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[3] A/HRC/39/17.
[4] A/HRC/39/37.
[5] A/HRC/39/68.

5. *Acknowledges* the efforts of indigenous peoples, States and the Expert Mechanism, in the exercise of its mandate, to assist by facilitating dialogue, when agreeable to all parties, in order to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples at the national and subnational levels, and encourages requests for technical assistance to the Expert Mechanism;

6. *Notes* that the next study of the Expert Mechanism, to be finalized by its twelfth session, will focus on the theme of indigenous peoples, migration and borders, and also notes that the Expert Mechanism will prepare a report on the theme of recognition, reparation and reconciliation;

7. *Encourages* States and all relevant academic institutions, indigenous peoples' institutions and representatives, as well as the United Nations Educational, Scientific and Cultural Organization, as the lead agency for the International Year of Indigenous Languages, to participate actively in the organization and implementation of the activities relating to the Year in 2019 and to uphold the spirit of the Year by taking measures to draw attention to the critical loss of indigenous languages and the need to preserve, revitalize and promote them;

8. *Decides*, in accordance with paragraph 14 of Human Rights Council resolution 18/8 of 29 September 2011, that, in view of the International Year of Indigenous Languages in 2019, the theme of the annual half-day panel discussion on the rights of indigenous peoples during the forty-second session of the Council will be on the promotion and preservation of indigenous languages, and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Council prior to its forty-fourth session;

9. *Also decides*, in accordance with paragraph 14 of Human Rights Council resolution 18/8, that the theme of the annual half-day panel discussion on the rights of indigenous peoples to be held during the forty-fifth session of the Council will be on the protection of indigenous human rights defenders, and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Council prior to its forty-seventh session;

10. *Welcomes* the proposal by the Expert Mechanism to the Human Rights Council that further efforts be made to facilitate the participation of indigenous peoples' representatives and institutions in the work of the Council, in particular the dialogue with the Expert Mechanism and the Special Rapporteur and in the annual half-day discussion on the rights of indigenous peoples, and also welcomes the encouragement of the General Assembly to the relevant United Nations bodies, in accordance with their respective rules of procedure, to facilitate the participation of indigenous peoples' representatives and institutions in relevant meetings on issues affecting them;

11. *Decides* to hold a half-day intersessional interactive dialogue, with the participation of the President of the General Assembly, on ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of the Human Rights Council on issues affecting them and on the first day of the twelfth session of the Expert Mechanism, requests the Office of the High Commissioner to make the interactive dialogue fully accessible to persons with disabilities, and to prepare a summary report thereon for submission to the Council prior to its forty-fourth session, and recommends that the Assembly consider that report in the ongoing process to promote the full and effective participation of indigenous peoples in the work of the United Nations;

12. *Encourages* States and the relevant agencies and entities of the United Nations system to support the Secretary-General in holding timely regional consultations, including through the regional commissions, as appropriate, in order to seek input from indigenous peoples from all regions of the world on the measures necessary to enable the participation of indigenous peoples' representatives and institutions in meetings of the relevant United Nations bodies on issues affecting them;

13. *Also encourages* States to give due consideration to the rights of indigenous peoples and the multiple and intersecting forms of discrimination faced by indigenous peoples and individuals in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development and in the formulation of relevant international and regional programmes, as well as national action plans, strategies and programmes, applying the principle of leaving no one behind;

14. *Encourages* the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism to strengthen their ongoing cooperation and coordination and ongoing efforts to promote the rights of indigenous peoples, the United Nations Declaration on the Rights of Indigenous Peoples, including the follow-up to the World Conference, and invites them to continue to work in close cooperation with all Human Rights Council mechanisms within their respective mandates;

15. *Reaffirms* that the United Nations treaty bodies are important mechanisms for the promotion and protection of human rights, and encourages States to give serious consideration to their recommendations, including those regarding indigenous peoples;

16. *Welcomes* the contribution of the universal periodic review to the realization of the rights of indigenous peoples, encourages effective follow-up to accepted review recommendations concerning indigenous peoples, and invites States to include, as appropriate, information on the situation of the rights of indigenous peoples, including measures taken to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples during the review;

17. *Calls upon* States to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples by adopting measures to pursue its objectives in consultation and cooperation with indigenous peoples;

18. *Calls upon* States that that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization to consider doing so;

19. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in advancing indigenous issues, and recognizes the importance for such institutions of developing and strengthening their capacities, as appropriate, to fulfil that role effectively;

20. *Encourages* States, according to their relevant national context and characteristics, to collect and disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographic location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies and programmes aimed at improving the well-being of indigenous peoples and individuals, to combat and eliminate violence and multiple and intersecting forms of discrimination against them and to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda;

21. *Also encourages* States to work with indigenous peoples to strengthen technologies, practices and efforts related to addressing and responding to climate change, and recognizes the importance of the Local Communities and Indigenous Peoples Platform for the exchange of experience and the sharing of best practices on mitigation and adaptation in a holistic and integrated manner;

22. *Welcomes* the agreed conclusions of the Commission on the Status of Women adopted at its sixty-first session, in which the Commission called for measures to be taken to promote the economic empowerment of indigenous women, including by ensuring access to quality and inclusive education and through meaningful participation in the economy by addressing the multiple and intersecting forms of discrimination and barriers they face, including violence, and to promote their participation in relevant decision-making processes at all levels and in all areas, while respecting and protecting their traditional and ancestral knowledge, and noting the importance for indigenous women and girls of the United Nations Declaration on the Rights of Indigenous Peoples, and

encourages States to give serious consideration to the above-mentioned recommendations, as appropriate;

23. *Also welcomes* the work of the United Nations Indigenous Peoples Partnership and the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, and invites States and other potential donors to support it;

24. *Urges* States and invites other public and/or private actors or institutions to contribute to the United Nations Voluntary Fund for Indigenous Peoples as an important means of promoting the rights of indigenous peoples worldwide and within the United Nations system;

25. *Decides* to continue its consideration of this question at a future session, in conformity with its annual programme of work.

United Nations A/HRC/39/L.18/Rev.1

General Assembly

Distr.: Limited
27 September 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Chile, Ecuador, Finland,* Guatemala,* Honduras,* Hungary, Mexico, Montenegro,* Norway,* Paraguay,* Peru, Philippines, Spain, Ukraine: draft resolution

39/... Human rights and indigenous peoples

The Human Rights Council,

Recalling all relevant General Assembly, Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples,

Reaffirming its support to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recognizing that, since its adoption, the United Nations Declaration on the Rights of Indigenous Peoples has positively influenced the drafting of several constitutions and statutes at the national and local levels and contributed to the progressive development of international and national legal frameworks and policies as it applies to indigenous peoples,

Recalling the adoption in September 2014 of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[1]

Appreciating the current efforts towards the promotion, protection and fulfilment of the rights of indigenous peoples, recalling the commitment made by the General Assembly at the World Conference to consider ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, and welcoming Assembly resolution 71/321 of 8 September 2017,

Acknowledging the participation of indigenous peoples' representatives and institutions in the meetings of various United Nations organs and their subsidiary bodies, in particular the Human Rights Council and the Expert Mechanism on the Rights of Indigenous Peoples,

Acknowledging also the study of the Expert Mechanism entitled "Free, prior and informed consent: a human rights-based approach",[2] and encouraging all parties to consider

* State not a member of the Human Rights Council.

[1] General Assembly resolution 69/2 of 22 September 2014.

[2] A/HRC/39/62.

the examples of good practices and recommendations included in the study as practical advice on how to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples,

Taking note of the report of the Special Rapporteur on the rights of indigenous peoples,[3] noting with concern her findings with regard to attacks against and the criminalization of indigenous peoples defending their rights and the prevention and protection measures available, and calling upon all States to consider the recommendations contained in the report,

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, young persons, elderly persons and persons with disabilities and to intensify efforts to prevent and eliminate violence and multiple and intersecting forms of discrimination in this regard, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the World Conference,

Recalling the adoption of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization, and its important contribution to the promotion and protection of the rights of indigenous peoples,

Recognizing that indigenous peoples are among the first to face the direct consequences of climate change owing to their dependence upon and close relationship with the environment and its resources, and welcoming the role of indigenous peoples in achieving the objectives of the United Nations Framework Convention on Climate Change, the Paris Agreement and the targets and goals of the 2030 Agenda for Sustainable Development,

Bearing in mind the importance of the empowerment and capacity-building of indigenous women and young persons, including their full and effective participation in decision-making processes in matters that affect them directly, including policies, programmes and resources, where relevant, that target the well-being of indigenous women, children and young persons, in particular in the areas of health, education, employment and the transmission of traditional knowledge, languages and practices, and the importance of taking measures to promote awareness and understanding of their rights,

1. *Acknowledges* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,[4] and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on the relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the High Commissioner at headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration;

2. *Takes note* of the work of the Special Rapporteur on the rights of indigenous peoples, including the official visits made and her reports, and encourages all Governments to respond favourably to her requests for visits;

3. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, including its annual report,[5] and its intersessional activities, and requests the Office of the High Commissioner to ensure timely translation in all official languages of the United Nations and distribution of these reports for the Council and pre-session translation of the studies and reports of the Expert Mechanism, in accordance with Council resolution 33/25 of 30 September 2016;

4. *Strongly encourages* States to participate actively in the sessions of the Expert Mechanism and to engage in dialogue with it, including during its intersessional activities;

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[3] A/HRC/39/17.
[4] A/HRC/39/3.
[5] A/HRC/39/62.

5. *Acknowledges* the efforts of indigenous peoples, States and the Expert Mechanism, in the exercise of its mandate, to assist by facilitating dialogue, when agreeable to all parties, in order to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples at the national and subnational levels, and encourages requests for technical assistance to the Expert Mechanism;

6. *Notes* that the next study of the Expert Mechanism, to be finalized by its twelfth session, will focus on the theme of indigenous peoples, migration and borders, and also notes that the Expert Mechanism will prepare a report on the theme of recognition, reparation and reconciliation;

7. *Encourages* States and all relevant academic institutions, indigenous peoples' institutions and representatives, as well as the United Nations Educational, Scientific and Cultural Organization, as the lead agency for the International Year of Indigenous Languages, to participate actively in the organization and implementation of the activities relating to the Year in 2019 and to uphold the spirit of the Year by taking measures to draw attention to the critical loss of indigenous languages and the need to preserve, revitalize and promote them;

8. *Decides*, in accordance with paragraph 14 of Human Rights Council resolution 18/8 of 29 September 2011, that, in view of the International Year of Indigenous Languages in 2019, the theme of the annual half-day panel discussion on the rights of indigenous peoples during the forty-second session of the Council will be on the promotion and preservation of indigenous languages, and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Council prior to its forty-fourth session;

9. *Also decides*, in accordance with paragraph 14 of Human Rights Council resolution 18/8, that the theme of the annual half-day panel discussion on the rights of indigenous peoples to be held during the forty-fifth session of the Council will be on the protection of indigenous human rights defenders, and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Council prior to its forty-seventh session;

10. *Welcomes* the proposal by the Expert Mechanism to the Human Rights Council that further efforts be made to facilitate the participation of indigenous peoples' representatives and institutions in the work of the Council, in particular the dialogue with the Expert Mechanism and the Special Rapporteur and in the annual half-day discussion on the rights of indigenous peoples, and also welcomes the encouragement of the General Assembly to the relevant United Nations bodies, in accordance with their respective rules of procedure, to facilitate the participation of indigenous peoples' representatives and institutions in relevant meetings on issues affecting them;

11. *Decides* to hold a half-day intersessional interactive dialogue, while inviting the President of the General Assembly to participate, on ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of the Human Rights Council on issues affecting them on the first day of the twelfth session of the Expert Mechanism, requests the Office of the High Commissioner to make the interactive dialogue fully accessible to persons with disabilities, and to prepare a summary report thereon for submission to the Council prior to its forty-fourth session, and recommends that the Assembly consider that report in the ongoing process towards the enhancement of the full and effective participation of indigenous peoples in the work of the United Nations;

12. *Encourages* States and the relevant agencies and entities of the United Nations system to support the Secretary-General in holding timely regional consultations, including through the regional commissions, as appropriate, in order to seek input from indigenous peoples from all regions of the world on the measures necessary to enable the participation of indigenous peoples' representatives and institutions in meetings of the relevant United Nations bodies on issues affecting them;

13. *Also encourages* States to give due consideration to the rights of indigenous peoples and the multiple and intersecting forms of discrimination faced by indigenous peoples and individuals in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development and in the formulation of relevant international and regional programmes, as well as national action plans, strategies and programmes, applying the principle of leaving no one behind;

14. *Encourages* the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism to strengthen their ongoing cooperation and coordination and ongoing efforts to promote the rights of indigenous peoples, the United Nations Declaration on the Rights of Indigenous Peoples, including the follow-up to the World Conference, and invites them to continue to work in close cooperation with all Human Rights Council mechanisms within their respective mandates;

15. *Reaffirms* that the United Nations treaty bodies are important mechanisms for the promotion and protection of human rights, and encourages States to give serious consideration to their recommendations, including those regarding indigenous peoples;

16. *Welcomes* the contribution of the universal periodic review to the realization of the rights of indigenous peoples, encourages effective follow-up to accepted review recommendations concerning indigenous peoples, and invites States to include, as appropriate, information on the situation of the rights of indigenous peoples, including measures taken to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples during the review;

17. *Calls upon* States to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples by adopting measures to pursue its objectives in consultation and cooperation with indigenous peoples;

18. *Calls upon* States that that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization to consider doing so;

19. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in advancing indigenous issues, and recognizes the importance for such institutions of developing and strengthening their capacities, as appropriate, to fulfil that role effectively;

20. *Encourages* States, according to their relevant national context and characteristics, to collect and disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographic location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies and programmes aimed at improving the well-being of indigenous peoples and individuals, to combat and eliminate violence and multiple and intersecting forms of discrimination against them and to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda;

21. *Also encourages* States to work with indigenous peoples to strengthen technologies, practices and efforts related to addressing and responding to climate change, and recognizes the importance of the Local Communities and Indigenous Peoples Platform for the exchange of experience and the sharing of best practices on mitigation and adaptation in a holistic and integrated manner;

22. *Welcomes* the agreed conclusions of the Commission on the Status of Women adopted at its sixty-first session, in which the Commission called for measures to be taken to promote the economic empowerment of indigenous women, including by ensuring access to quality and inclusive education and through meaningful participation in the economy by addressing the multiple and intersecting forms of discrimination and barriers they face, including violence, and to promote their participation in relevant decision-making processes at all levels and in all areas, while respecting and protecting their traditional and ancestral knowledge, and noting the importance for indigenous women and girls of the United Nations Declaration on the Rights of Indigenous Peoples, and

encourages States to give serious consideration to the above-mentioned recommendations, as appropriate;

23. *Also welcomes* the work of the United Nations Indigenous Peoples Partnership and the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, and invites States and other potential donors to support it;

24. *Urges* States and invites other public and/or private actors or institutions to contribute to the United Nations Voluntary Fund for Indigenous Peoples as an important means of promoting the rights of indigenous peoples worldwide and within the United Nations system;

25. *Decides* to continue its consideration of this question at a future session, in conformity with its annual programme of work.

United Nations A/HRC/39/L.19

General Assembly

Distr.: Limited
25 September 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 8
Follow-up to and implementation of the Vienna Declaration and Programme of Action

Albania,* Andorra,* Australia, Austria,* Belgium, Bulgaria,* Canada,* Chile, Colombia,* Costa Rica,* Croatia, Cyprus,* Denmark,* Georgia, Estonia,* Fiji,* Finland,* Germany, Greece,* Honduras,* Iceland, Ireland,* Italy,* Latvia,* Lichtenstein,* Lithuania,* Luxembourg,* Mexico, Monaco,* Montenegro,* Netherlands,* New Zealand,* Norway,* Paraguay,* Peru, Philippines, Poland,* Portugal,* Qatar, Republic of Korea, Republic of Moldova,* Romania,* Rwanda, Slovakia, Slovenia, Spain, Thailand,* Tunisia, Turkey,* Ukraine, Uruguay,* United Kingdom of Great Britain and Northern Ireland: draft resolution

39/... National human rights institutions, inclusive societies and sustainable development

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and other relevant instruments,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Recalling all relevant resolutions of the Human Rights Council, the General Assembly and the Commission on Human Rights on national institutions for the promotion and protection of human rights, including most recently Council resolution 33/15 of 29 September 2016 and Assembly resolution 72/181 of 19 December 2017,

Recalling also General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda and pledged that no one would be left behind,

Recalling further General Assembly resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development,

Recalling that the 2030 Agenda is guided by the purposes and principles of the Charter, grounded in the Universal Declaration of Human Rights, international human

* State not a member of the Human Rights Council.

rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and informed by other instruments, such as the Declaration on the Right to Development, and recognizing, inter alia, the need to build peaceful, just and inclusive societies that provide equal access to justice and are based on respect for all human rights, effective rule of law and good governance at all levels and transparent, effective and accountable institutions,

Welcoming the twenty-fifth anniversary of the Vienna Declaration and Programme of Action, and reaffirming its statement of the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities, and their role in preventing, remedying and assisting victims to find remedies to human rights violations and abuses, in the dissemination of human rights information, and education in human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and welcoming the twenty-fifth anniversary of the adoption of the Paris Principles and of the establishment of the Global Alliance of National Human Rights Institutions,

Reaffirming the importance of, and welcoming the rapidly growing interest throughout the world in, establishing and strengthening independent, pluralistic national human rights institutions in accordance with the Paris Principles,

Reaffirming also the important role that such national human rights institutions play, and will continue to play, in promoting and protecting human rights and fundamental freedoms, strengthening participation, in particular of civil society organizations, promoting the rule of law, developing and enhancing public awareness of those rights and fundamental freedoms, and contributing to the prevention of human rights violations and abuses,

Encouraging greater efforts to investigate and respond to increasing reports of cases of reprisal against national human rights institutions, their members and staff, and those who cooperate or seek to cooperate with them,

Recognizing the role that national human rights institutions can play in preventing and addressing cases of reprisal as part of supporting the cooperation between States and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, to recommendations made by international human rights mechanisms,

Commending the important work of the Global Alliance of National Human Rights Institutions, the Office of the United Nations High Commissioner for Human Rights and regional networks of national human rights institutions, including the Network of African National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the European Network of National Human Rights Institutions, in support of the development and strengthening of independent and effective national human rights institutions compliant with the Paris Principles,

Welcoming efforts to strengthen United Nations system-wide coordination in support of national human rights institutions and their networks, including the establishment of the tripartite partnership between the United Nations Development Programme, the Office of the High Commissioner and the Global Alliance of National Human Rights Institutions,[1] and recognizing the potential for further cooperation in this regard between United Nations mechanisms and processes and with national human rights institutions,

Welcoming also the valuable participation and contribution of national human rights institutions and their networks, including their contribution to national mechanisms for reporting and follow-up, and with regard to follow-up to recommendations and relevant United Nations mechanisms and processes, in accordance with their respective mandates,

[1] General Assembly resolution 70/163, para. 19.

including the Human Rights Council and its universal periodic review mechanism and the special procedures, the treaty bodies, the Expert Mechanism on the Rights of Indigenous Peoples, the United Nations Permanent Forum on Indigenous Issues, the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Open-ended Working Group on Ageing, and their continuing efforts in support of the 2030 Agenda, and encouraging further efforts in this regard,

Reaffirming that eradicating poverty in all its forms and dimensions, combating inequality within and among countries, preserving the planet, creating sustained, inclusive and sustainable economic growth and fostering social inclusion are linked to each other, interdependent and intrinsically linked to sustainable development,

Stressing that the effective participation of all individuals in national, political, cultural, religious, economic and social processes in their societies is of paramount importance for their full and equal enjoyment of all human rights and contributes to conflict prevention, stability and social cohesion, and that the lack of equal opportunities may perpetuate the disadvantage, including the cycle of poverty, experienced acutely by persons in vulnerable situations and marginalized groups, who may experience multiple and intersecting forms of discrimination,

Bearing in mind that the promotion and upholding of tolerance, respect, pluralism and diversity are essential for the promotion and protection of human rights in multicultural contexts and, in particular, for combating racism, racial discrimination, xenophobia and related intolerance,

Acknowledging that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing, and recognizing that the pledge to leave no one behind places the human rights principles of equality and non-discrimination at the heart of the 2030 Agenda,

Recognizing the importance of the independent voice of national human rights institutions in promoting and protecting all human rights, including, in accordance with their mandates, economic, social, cultural, civil and political rights, particularly in the context of the implementation of the 2030 Agenda, which seeks to realize the human rights of all,

Welcoming the Mérida Declaration on the Role of National Human Rights Institutions in Implementing the 2030 Agenda for Sustainable Development, noting that the implementation of the 2030 Agenda is a priority under the current Strategic Plan of the Global Alliance of National Human Rights Institutions, and acknowledging the efforts national human rights institutions are making to connect their work, in accordance with their respective mandates, to the implementation of the 2030 Agenda,

1. *Welcomes* the most recent reports of the Secretary-General submitted to the Human Rights Council on national human rights institutions[2] and on the activities of the Global Alliance of National Human Rights Institutions in accrediting national human rights institutions in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);[3]

2. *Encourages* Member States to establish effective, independent and pluralistic national human rights institutions or, where they already exist, to strengthen them to enable the effective fulfilment of their mandate to promote and protect human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action, and to do so in accordance with the Paris Principles;

3. *Stresses* the importance of the financial and administrative independence and the stability of national human rights institutions for the promotion and protection of human rights, notes with satisfaction the efforts of those Member States that have provided their

[2] A/HRC/39/20.
[3] A/HRC/39/21.

national human rights institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

4. *Also stresses* that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations, and calls upon States to promptly and thoroughly investigate cases of alleged reprisal or intimidation against members or staff of national human rights institutions or against individuals who cooperate or seek to cooperate with them and to bring perpetrators to justice;

5. *Encourages* national human rights institutions that are compliant with the Paris Principles to continue to participate in and contribute to, including where relevant by providing parallel reports and other information, the work of the Human Rights Council and its universal periodic review mechanism, the special procedures and treaty bodies and all other relevant United Nations forums, and also encourages all relevant United Nations mechanisms and processes, including in the discussions on the implementation of the 2030 Agenda for Sustainable Development and its high-level political forum, to strengthen the independent participation of national human rights institutions compliant Paris Principles, in accordance with their respective mandates;

6. *Welcomes* the important role of the Global Alliance of National Human Rights Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assessing conformity with the Paris Principles and in assisting States and national institutions, when requested, to strengthen national human rights institutions in accordance with such principles, also welcomes the continuing number of national institutions seeking accreditation status through the Global Alliance of National Human Rights Institutions, and encourages relevant national institutions, including ombudsman institutions, to seek accreditation status;

7. *Encourages* the Secretary-General and all United Nations human rights mechanisms and relevant United Nations agencies, funds and programmes, working within their respective mandates, to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions, to work with Member States and national human rights institutions in the protection and promotion of human rights, and to strengthen United Nations system-wide coordination in support of national human rights institutions;

8. *Recognizes* the contribution that national human rights institutions have made to the promotion, protection and prevention of violations of human rights by exercising their mandates and functions in accordance with the Paris Principles, and encourages them to continue to do so, including by:

(a) Independently assisting, advising and engaging with the State, and other stakeholders, in the prevention of violations and abuses of human rights;

(b) Encouraging the ratification, and ensuring the implementation, of international human rights treaties;

(c) Promoting legal, policy and procedural reforms, including to promote and ensure the harmonization of national laws and practices with the international human rights instruments to which a State is a party, and their effective implementation;

(d) Cooperating with the United Nations system, including by contributing, as appropriate, to follow-up actions to the recommendations made by international human rights mechanisms;

(e) Conducting and promoting practical and relevant human rights training and education, and raising public awareness and advocacy about the promotion and protection of human rights and efforts to combat all forms of discrimination;

(f) Working with non-governmental organizations devoted to promoting and protecting human rights and economic and social development, combating racism, and

protecting groups subject to particular vulnerabilities, marginalization or intersecting forms of discrimination, or specialized areas;

(g) Preparing and publicizing reports on the national situation with regard to human rights, drawing the attention of the Government to situations in any part of the country in which human rights are violated, making proposals to put an end to such situations, and, where necessary, expressing an opinion on the positions and reactions of the Government;

(h) Supporting transparent and meaningful engagement by States in regional and international human rights forums by making contributions, in accordance with their independent mandates, to the reports that States are required to submit to United Nations bodies and committees and to regional institutions, pursuant to their treaty obligations;

9. *Acknowledges* that, in the performance of their key functions, in accordance with their mandates and with the Paris Principles, national human rights institutions are supporting the establishment and maintenance of inclusive societies, and in doing so can contribute to the implementation of the 2030 Agenda, including by:

(a) Assisting States to adopt effective frameworks to promote and protect human rights, which are applied equally to protect the rights of all individuals, without discrimination on any grounds, including race, colour, sex, gender, age, disability, language, religion, political or other opinion, national or social origin, property, birth or other status;

(b) Contributing to building the capacity of States to prevent and reduce discrimination and violence through effective national-level legislation, regulation, policies and programmes, including those that guarantee equal access, rights and opportunities for all, including equal access to justice and participatory decision-making;

(c) Contributing to the progressive realization of economic, social and cultural rights for all;

(d) Contributing to the elimination of all forms of discrimination and violence against women and gender-based violence;

(e) Contributing to the fight against racism, racial discrimination, xenophobia and other related intolerance, all forms of hate speech, and religious intolerance and its manifestations, including hate crimes and incitement to hatred, and fostering cohesive societies that respect and celebrate diversity and multiculturalism;

(f) Contributing to addressing multiple and intersecting forms of discrimination that can increase the vulnerability to violence and discrimination of people with disabilities, indigenous peoples, refugees and migrants, people who are socioeconomically disadvantaged, persons belonging to national or ethnic, religious and linguistic minorities, and other individuals in vulnerable situations or belonging to marginalized groups;

(g) Working with businesses to fulfil their responsibility to respect human rights and support the dissemination and implementation of the Guiding Principles on Business and Human Rights;

10. *Encourages* all States and national human rights institutions to continue to take appropriate steps to maintain a legislative or policy framework compliant with the Paris Principles, and to promote cooperation, the exchange of information, the sharing of experience and the dissemination of best practices concerning the establishment and effective operation of national human rights institutions, including their contribution to the establishment and maintenance of inclusive societies and implementation of the 2030 Agenda;

11. *Invites* national human rights institutions to include in their cooperation the exchange of best practices on strengthening their liaison role between civil society and their Governments;

12. *Requests* the Office of the High Commissioner to continue and to strengthen its work with national human rights institutions, including through technical cooperation, capacity-building activities and advice, and urges the High Commissioner to ensure that

appropriate arrangements are made and budgetary resources are provided to continue and further extend activities in support of national human rights institutions, including through increased support for the work of the Global Alliance of National Human Rights Institutions and its regional networks, and invites Governments to contribute additional voluntary funds to that end;

13. *Also requests* the Office of the High Commissioner to convene, in close coordination with the Global Alliance of National Human Rights Institutions, on the margins of the 2019 annual meeting of the Global Alliance of National Human Rights Institutions, an intersessional, half-day consultation, open to all States, national human rights institutions, civil society organizations and other relevant stakeholders, with the objective of exchanging the experiences and practices of national human rights institutions in working to support the establishment and maintenance of inclusive societies and the implementation of the 2030 Agenda, and further requests the Office of the High Commissioner to submit to the Human Rights Council, at its forty-first session, a summary report of the consultation;

14. *Requests* the Secretary-General to submit to the Human Rights Council, at its forty-fifth session, a report on the implementation of the present resolution, which includes examples of best practices among national human rights institutions, and a report on the activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the Paris Principles.

United Nations A/HRC/39/L.19/Rev.1

General Assembly

Distr.: Limited
27 September 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 8
Follow-up to and implementation of the Vienna Declaration and Programme of Action

Albania,* Andorra,* Argentina,* Armenia,* Australia, Austria,* Belgium, Bulgaria,* Canada,* Chile, Colombia,* Costa Rica,* Croatia, Cyprus,* Czechia,* Denmark,* Ecuador, Egypt, Estonia,* Fiji,* Finland,* Georgia, Germany, Greece,* Honduras,* Iceland, Iraq, Ireland,* Italy,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Mexico, Monaco,* Mongolia, Montenegro,* Morocco,* Nepal,* Netherlands,* New Zealand,* Norway,* Paraguay,* Peru, Philippines, Poland,* Portugal,* Qatar,* Republic of Korea, Republic of Moldova,* Romania,* Rwanda, Slovakia, Slovenia, Spain, Thailand,* Tunisia, Turkey,* Ukraine, Uruguay,* United Kingdom of Great Britain and Northern Ireland: draft resolution

39/... National human rights institutions

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and other relevant instruments,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Recalling all relevant resolutions of the Human Rights Council, the General Assembly and the Commission on Human Rights on national institutions for the promotion and protection of human rights, including most recently Council resolution 30/15 of 29 September 2016 and Assembly resolution 72/181 of 19 December 2017,

Recalling also General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda and pledged that no one would be left behind,

Recalling further General Assembly resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development,

Recalling that the 2030 Agenda for Sustainable Development is guided by the purposes and principles of the Charter, grounded in the Universal Declaration of Human

* State not a member of the Human Rights Council.

Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and informed by other instruments, such as the Declaration on the Right to Development, and recognizing, inter alia, the need to build peaceful, just and inclusive societies that provide equal access to justice and are based on respect for all human rights, effective rule of law and good governance at all levels and transparent, effective and accountable institutions,

Welcoming the twenty-fifth anniversary of the Vienna Declaration and Programme of Action, and reaffirming its statement of the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities, and their role in preventing, remedying and assisting victims to find remedies to human rights violations and abuses, in the dissemination of human rights information, and education in human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and welcoming the twenty-fifth anniversary of the adoption of the Paris Principles and of the establishment of the Global Alliance of National Human Rights Institutions,

Reaffirming the importance of, and welcoming the rapidly growing interest throughout the world in, establishing and strengthening independent, pluralistic national human rights institutions in accordance with the Paris Principles,

Reaffirming also the important role that such national human rights institutions play, and will continue to play, in promoting and protecting human rights and fundamental freedoms, strengthening participation, in particular of civil society organizations, promoting the rule of law, developing and enhancing public awareness of those rights and fundamental freedoms, and contributing to the prevention of human rights violations and abuses,

Encouraging greater efforts to investigate and respond to increasing reports of cases of reprisal against national human rights institutions, their members and staff, and those who cooperate or seek to cooperate with them,

Recognizing the role that national human rights institutions can play in preventing and addressing cases of reprisal as part of supporting the cooperation between States and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, to recommendations made by international human rights mechanisms,

Commending the important work of the Global Alliance of National Human Rights Institutions, the Office of the United Nations High Commissioner for Human Rights and regional networks of national human rights institutions, including the Network of African National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the European Network of National Human Rights Institutions, in support of the development and strengthening of independent and effective national human rights institutions compliant with the Paris Principles,

Welcoming efforts to strengthen United Nations system-wide coordination in support of national human rights institutions and their networks, including the establishment of the tripartite partnership between the United Nations Development Programme, the Office of the High Commissioner and the Global Alliance of National Human Rights Institutions,[1] and recognizing the potential for further cooperation in this regard between United Nations mechanisms and processes and with national human rights institutions,

Welcoming also the valuable participation and contribution of national human rights institutions and their networks, including their contribution to national mechanisms for reporting and follow-up, and with regard to follow-up to recommendations and relevant United Nations mechanisms and processes, in accordance with their respective mandates,

[1] General Assembly resolution 70/163, para. 19.

including the Human Rights Council and its universal periodic review mechanism and the special procedures, the treaty bodies, the Expert Mechanism on the Rights of Indigenous Peoples, the United Nations Permanent Forum on Indigenous Issues, the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Open-ended Working Group on Ageing, and their continuing efforts in support of the 2030 Agenda, and encouraging further efforts in this regard,

Reaffirming that, as the 2030 Agenda for Sustainable Development recognizes, eradicating poverty in all its forms and dimensions, combating inequality within and among countries, preserving the planet, creating sustained, inclusive and sustainable economic growth and fostering social inclusion are linked to each other and interdependent,

Stressing that the effective participation of all individuals in national, political, cultural, religious, economic and social processes in their societies is crucial to their full and equal enjoyment of all human rights,

Bearing in mind that the promotion and upholding of tolerance, respect, pluralism and diversity are essential for the promotion and protection of human rights in multicultural contexts and, in particular, for combating racism, racial discrimination, xenophobia and related intolerance,

Acknowledging that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing, and recognizing that the 2030 Agenda pledges to leave no one behind and envisages a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination,

Recognizing the importance of the independent voice of national human rights institutions in promoting and protecting all human rights, including, in accordance with their mandates, economic, social, cultural, civil and political rights, particularly in the context of the implementation of the 2030 Agenda, which seeks to realize the human rights of all,

Welcoming the Mérida Declaration on the Role of National Human Rights Institutions in Implementing the 2030 Agenda for Sustainable Development, noting that the implementation of the 2030 Agenda is a priority under the current Strategic Plan of the Global Alliance of National Human Rights Institutions, and acknowledging the efforts national human rights institutions are making to connect their work, in accordance with their respective mandates, to the implementation of the 2030 Agenda,

1. *Welcomes* the most recent reports of the Secretary-General submitted to the Human Rights Council on national human rights institutions[2] and on the activities of the Global Alliance of National Human Rights Institutions in accrediting national human rights institutions in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);[3]

2. *Encourages* Member States to establish effective, independent and pluralistic national human rights institutions or, where they already exist, to strengthen them to enable the effective fulfilment of their mandate to promote and protect human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action, and to do so in accordance with the Paris Principles;

3. *Stresses* the importance of the financial and administrative independence and the stability of national human rights institutions for the promotion and protection of human rights, notes with satisfaction the efforts of those Member States that have provided their national human rights institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

[2] A/HRC/39/20.
[3] A/HRC/39/21.

4. *Also stresses* that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations, and calls upon States to promptly and thoroughly investigate cases of alleged reprisal or intimidation against members or staff of national human rights institutions or against individuals who cooperate or seek to cooperate with them and to bring perpetrators to justice;

5. *Encourages* national human rights institutions that are compliant with the Paris Principles to continue to participate in and contribute to, including where relevant by providing parallel reports and other information, the work of the Human Rights Council and its universal periodic review mechanism, the special procedures and treaty bodies and all other relevant United Nations forums, and also encourages all relevant United Nations mechanisms and processes, including in the discussions on the implementation of the 2030 Agenda for Sustainable Development and its high-level political forum, to strengthen the independent participation of national human rights institutions compliant Paris Principles, in accordance with their respective mandates;

6. *Welcomes* the important role of the Global Alliance of National Human Rights Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assessing conformity with the Paris Principles and in assisting States and national institutions, when requested, to strengthen national human rights institutions in accordance with such principles, also welcomes the continuing number of national institutions seeking accreditation status through the Global Alliance of National Human Rights Institutions, and encourages relevant national institutions, including ombudsman institutions, to seek accreditation status;

7. *Encourages* the Secretary-General and all United Nations human rights mechanisms and relevant United Nations agencies, funds and programmes, working within their respective mandates, to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions, to work with Member States and national human rights institutions in the protection and promotion of human rights, and to strengthen United Nations system-wide coordination in support of national human rights institutions;

8. *Recognizes* the contribution that national human rights institutions have made to the promotion, protection and prevention of violations of human rights by exercising their mandates and functions consistent with the Paris Principles, and encourages them to continue to do so, including by:

(a) Independently assisting, advising and engaging with the State, and other stakeholders, in the prevention of violations and abuses of human rights;

(b) Encouraging the ratification, and ensuring the implementation, of international human rights treaties;

(c) Promoting legal, policy and procedural reforms, including to promote and ensure the harmonization of national laws and practices with the international human rights instruments to which a State is a party, and their effective implementation;

(d) Cooperating with the United Nations system, including by contributing, as appropriate, to follow-up actions to the recommendations made by international human rights mechanisms;

(e) Conducting and promoting practical and relevant human rights training and education, and raising public awareness and advocacy about the promotion and protection of human rights and efforts to combat all forms of discrimination;

(f) Working with non-governmental organizations devoted to promoting and protecting human rights and economic and social development, combating racism, and protecting groups subject to particular vulnerabilities, marginalization or intersecting forms of discrimination, or specialized areas;

(g) Preparing and publicizing reports on the national situation with regard to human rights, drawing the attention of the Government to situations in any part of the country in which human rights are violated, making proposals to put an end to such situations, and, where necessary, expressing an opinion on the positions and reactions of the Government;

(h) Supporting transparent and meaningful engagement by States in regional and international human rights forums by making contributions, in accordance with their independent mandates, to the reports that States are required to submit to United Nations bodies and committees and to regional institutions, pursuant to their treaty obligations;

9. *Acknowledges* that, in the performance of their key functions, in accordance with their mandates and with the Paris Principles, national human rights institutions are supporting the establishment and maintenance of inclusive societies, and in doing so can contribute to the implementation of the 2030 Agenda, including by:

(a) Assisting States to adopt effective frameworks to promote and protect human rights, which are applied equally to protect the rights of all individuals, without discrimination on any grounds, including race, colour, gender, age, disability, language, religion, political or other opinion, national or social origin, property, birth or other status;

(b) Contributing to building the capacity of States to prevent and reduce discrimination and violence through effective national-level legislation, regulation, policies and programmes, including those that guarantee equal access, rights and opportunities for all, including equal access to justice and participatory decision-making;

(c) Contributing to the progressive realization of economic, social and cultural rights for all;

(d) Contributing to the elimination of all forms of discrimination against women and gender-based violence;

(e) Contributing to the fight against racism, racial discrimination, xenophobia and other related intolerance, all forms of hate speech, and religious intolerance and its manifestations, including hate crimes and incitement to hatred, and fostering cohesive societies that respect and celebrate diversity and multiculturalism;

(f) Contributing to addressing multiple and intersecting forms of discrimination that can increase the vulnerability to violence and discrimination of people with disabilities, indigenous peoples, refugees and migrants, people who are socioeconomically disadvantaged, persons belonging to national or ethnic, religious and linguistic minorities, and other individuals in vulnerable situations or belonging to marginalized groups;

(g) Working with businesses to fulfil their responsibility to respect human rights in accordance with human rights law, and to support initiatives aimed at protecting victims of human rights abuses, including through the dissemination and implementation of the Guiding Principles on Business and Human Rights;

10. *Encourages* all States and national human rights institutions to continue to take appropriate steps to maintain a legislative or policy framework compliant with the Paris Principles, and to promote cooperation, the exchange of information, the sharing of experience and the dissemination of best practices concerning the establishment and effective operation of national human rights institutions, including their contribution to the establishment and maintenance of inclusive societies and implementation of the 2030 Agenda;

11. *Invites* national human rights institutions to include in their cooperation the exchange of best practices on strengthening their liaison role between civil society and their Governments;

12. *Requests* the Office of the High Commissioner to continue and to strengthen its work with national human rights institutions, including through technical cooperation, capacity-building activities and advice, and urges the High Commissioner to ensure that appropriate arrangements are made and budgetary resources are provided to continue and further extend activities in support of national human rights institutions, including through

increased support for the work of the Global Alliance of National Human Rights Institutions and its regional networks, and invites Governments to contribute additional voluntary funds to that end;

13. *Also requests* the Office of the High Commissioner to convene, in close coordination with the Global Alliance of National Human Rights Institutions, on the margins of the 2019 annual meeting of the Global Alliance of National Human Rights Institutions, an intersessional, half-day consultation, open to all States, national human rights institutions, civil society organizations and other relevant stakeholders, with the objective of exchanging the experiences and practices of national human rights institutions in working to support the establishment and maintenance of inclusive societies and the implementation of the 2030 Agenda, and further requests the Office of the High Commissioner to submit to the Human Rights Council, at its forty-first session, a summary report of the consultation;

14. *Requests* the Secretary-General to submit to the Human Rights Council, at its forty-fifth session, a report on the implementation of the present resolution, which includes examples of best practices among national human rights institutions, and a report on the activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the Paris Principles.

United Nations A/HRC/39/L.20

General Assembly

Distr.: Limited
25 September 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Albania,* Australia, Austria,* Belgium, Bulgaria,* Canada,* Croatia, Czechia,* Denmark,* Estonia,* Finland,* France,* Georgia, Germany, Iceland, Ireland,* Italy,* Japan, Jordan,* Kuwait,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Maldives,* Malta,* Montenegro,* Morocco,* Netherlands,* New Zealand,* Portugal,* Qatar, Romania,* Slovenia, Spain, Sweden,* Turkey,* Ukraine, United Kingdom of Great Britain and Northern Ireland: draft resolution

39/... The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Reaffirming its previous resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave situation of human rights across the Syrian Arab Republic,

Condemning also the indiscriminate or deliberate targeting of civilians in violation of international humanitarian law, and recalling the obligation of all parties to the conflict to take all feasible precautions to avoid, and in any event minimize, harm to civilians and civilian objects, such as schools, as well as medical facilities, and the prohibition on attacking, removing, destroying or rendering useless objects indispensable to the survival of the civilian population, including drinking water installations, supplies and food stuffs,

Expressing deep concern at the situation of women, children and internally displaced persons, who remain among the most vulnerable to violence,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, including with the equal voice and full and meaningful participation of women in all efforts and decision-making, and in accordance with the Geneva communiqué of 30 June 2012 and Security Council resolutions 2118 (2013) of 27 September 2013 and 2254 (2015) of 18 December 2015, with a view to establishing

* State not a member of the Human Rights Council.

credible, inclusive and non-sectarian governance, and supporting the Special Envoy of the Secretary-General for Syria is his efforts towards this end,

Recalling Security Council resolution 2336 (2016) of 31 December 2016, and stressing the urgent need to respect the de-escalation area of Idlib, acknowledging the signing of the memorandum by Turkey and the Russian Federation on the stabilization of the situation in the Idlib de-escalation area, emphasizing the need for a comprehensive nationwide ceasefire, and also emphasizing that humanitarian access must be part of such efforts,

Recalling also that, consistent with international humanitarian law and pursuant to relevant Security Council resolutions, including resolutions 2165 (2014) of 14 July 2014, 2268 (2016) of 26 February 2016 and 2401 (2018) of 24 February 2018, all Syrian parties to the conflict are to enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies, such as food aid and life-saving medical supplies, may constitute a violation of international humanitarian law,

Recalling further that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, cultural heritage and places of worship, as well as on medical facilities, patients and personnel, may amount to war crimes,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Reaffirming that the use of chemical weapons constitutes a serious violation of international law, reiterating that all those responsible for any use of chemical weapons must be held accountable, regretting that the mandate of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism was not renewed, and welcoming that the Organisation will put in place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic,

Bearing in mind that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons fuel conflict and affect negatively the enjoyment of human rights,

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,[1] and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts of human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Deplores* the fact that the conflict in the Syrian Arab Republic continues in its eighth year with its devastating impact on the civilian population, and urges all parties to the conflict to abstain immediately from any actions that may contribute to the further deterioration of the human rights, security and humanitarian situations;

2. *Calls upon* all parties to the conflict and Member States, especially members of the International Syria Support Group, to renew their efforts to create conditions, including a comprehensive nationwide ceasefire, that support continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations Office at Geneva, as only a durable political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

3. *Welcomes* the work and the important role played by the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the

[1] A/HRC/39/65.

Human Rights Council in its resolution S-17/1 of 23 August 2011, in supporting future accountability efforts by investigating all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that all perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable;

4. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic;

5. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

6. *Also strongly condemns* the continued use by the Syrian authorities of banned munitions, the indiscriminate use of heavy weapons in populated areas, barrel bombs, aerial bombardment, incendiary weapons, ballistic missiles and cluster bombs, and the use of starvation and siege directed against civilian populations as a method of warfare, and stresses the particular situation of concern in Idlib, where increasing violence and airstrikes continue to cause death and injury among civilians;

7. *Urges* an immediate end to the violence in Idlib, and respect of the de-escalation area, in order to prevent further death and injury among civilians and damage to civilian objects, as well as to avoid a potential humanitarian catastrophe;

8. *Strongly condemns* all attacks on medical and health personnel, first responders, their means of transport and equipment, and hospitals and other medical facilities, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

9. *Also strongly condemns* the attacks against civilian objects, such as schools, as reported by the Commission of Inquiry, and the negative effects of the ongoing conflict on the rights and welfare of children, including their access to schools, medical care, education and humanitarian assistance, decries the violations and abuses of international human rights law and violations of international humanitarian law, as applicable, and deplores, in particular, the impact of the denial of humanitarian access on their lives and well-being;

10. *Urges* all parties to the conflict to comply with their respective obligations under international human rights law and international humanitarian law, and demands that all parties, particularly the Syrian authorities and their State and non-State allies, refrain from carrying out attacks against the civilian population and civilian objects, such as schools, as well as on medical units, personnel, patients and transport and personnel involved in humanitarian assistance;

11. *Expresses deep concern* at the finding of the Commission of Inquiry that tactics used in the recapturing of the besieged area of eastern Ghutah amounted to war crimes and crimes against humanity;

12. *Also expresses deep concern* about the human rights situation and humanitarian access in areas that have recently come under the control of the Syrian authorities, and urges them and their allies to ensure humanitarian access and respect for international human rights law and international humanitarian law;

13. *Expresses its profound concern* at the findings of the Commission of Inquiry that sexual and gender-based violence against women, girls, men and boys has been a persistent issue in the Syrian Arab Republic since the uprising in 2011, and that women and girls have been disproportionately affected and victimized on multiple grounds;

14. *Notes* the findings of the Commission of Inquiry that such acts of sexual and gender-based violence were committed most commonly by Syrian authorities and associated militia, as well as by the so-called Islamic State in Iraq and the Levant (Daesh), that they form part of a widespread and systematic attack directed against a civilian population, amounting to crimes against humanity, and that, after February 2012, these acts constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity;

15. *Strongly condemns* all acts of such sexual and gender-based violence, calls for immediate medical and psychosocial support to be provided to the survivors of such crimes and for every effort to be made to ensure justice for those who have suffered as a result of such crimes, and urges all parties to the conflict to heed the recommendations made by the Commission of Inquiry;

16. *Takes note* of the recent publication of the Commission of Inquiry, *Detention in the Syrian Arab Republic: A Way Forward*, in which the Commission highlighted the fact that the arbitrary detention of tens of thousands of individuals, particularly by the Syrian authorities and affiliated militias, represents an urgent and large-scale crisis of human rights protection;

17. *Notes* the commencement of the functioning of the Working Group on the release of detainees/abductees, the handover of bodies and the identification of missing persons, composed of Turkey, the Russian Federation and the Islamic Republic of Iran, as well as the United Nations, underlines the need for concrete steps forward on this issue, and reiterates that all parties to the conflict must abide by their obligations under international humanitarian law and international human rights law, as applicable;

18. *Strongly condemns* the continued widespread practices of enforced disappearance, arbitrary detention and the use of sexual violence, torture and ill-treatment especially in detention facilities run by the Syrian authorities, including those acts referenced by the Commission of Inquiry in its reports of and those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

19. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, causes to its victims and their families, and condemns the denial of medical services in all prisons and detention facilities;

20. *Strongly condemns* the reported killing of detainees in Syrian Military Intelligence facilities, in particular in the Mezzeh airport detention facility, and Military Security Branches 215, 227, 235, 248 and 291, and the reported killing of detainees at military hospitals, including Tishreen and Harasta, and expresses deep concern at reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

21. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and, in particular, to end arbitrary detention, torture and sexual and gender-based violence in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014) and by the Commission of Inquiry in its recommendations;

22. *Urges* all parties to take heed of the recent recommendations on the issue of detainees by the Commission of Inquiry,[2] in particular the calls for the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and detention facilities, and for all parties, in particular the Syrian authorities, to publish a list of all detention facilities, to allow access to medical services for all detainees and to provide information on those they have detained to their families;

[2] A/HRC/37/72.

23. *Recalls with serious concern* the findings of the Commission of Inquiry in its report *Out of Sight, Out of Mind, Deaths in Detention in the Syrian Arab Republic*, notes in this regard the recent issuing of death notifications of detained individuals by the Syrian authorities, which provides further indication of systematic violations of international human rights law and international humanitarian law, urges them to provide families with the remains of their relatives whose fate has been disclosed, including those who have been summarily executed, to take all appropriate measures immediately to protect the lives and rights of all persons currently detained or unaccounted for, and to clarify the fate of those who remain missing or are still in custody;

24. *Demands* the immediate release of all persons arbitrarily detained, including women, children, older persons, persons with disabilities, human rights defenders, humanitarian aid providers, medical personnel, the wounded and sick, and journalists, and notes the importance of ensuring justice for those arbitrarily detained;

25. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic, expresses deep concern at reports of social and demographic engineering in areas throughout the Syrian Arab Republic, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes or crimes against humanity;

26. *Expresses deep concern* at the situation of the 6.5 million internally displaced persons across the Syrian Arab Republic, takes note with concern in this regard of the latest report of the Commission of Inquiry,[1] and urges all parties to take note of its recommendations on this matter and to ensure that any evacuation and movement of civilians is consistent with international humanitarian law and international human rights law, as applicable;

27. *Deplores* the existence and application of national legislation, in particular Law No. 10/2018, which would have a significant detrimental impact on the rights of Syrians displaced by the conflict to claim their property and to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it, and calls for its immediate repeal;

28. *Urges* all parties to take note of the recent recommendation of the Commission of Inquiry on ensuring that the right of return is fully respected and facilitated by guaranteeing that all return movements are voluntary, safe and dignified and subject to informed consent to the places of origin and protect all property and tenancy rights;

29. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, demands that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

30. *Also strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular that of Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

31. *Further strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), Al-Nusrah Front and other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

32. *Expresses deep concern* about the documented cases of civilians, including women and children, being taken hostage by the so-called Islamic State in Iraq and the

Levant (Daesh), calls for their immediate release, and notes that hostage-taking may constitute a war crime;

33. *Condemns in the strongest possible terms* the continued use of chemical weapons by the Syrian authorities, in violation of its obligations under the Chemical Weapons Convention and Security Council resolution 2118 (2013), and all use of chemical weapons in contravention of well-established international standards and norms against such use, and welcomes in this regard the decision of 27 June 2018 of the fourth Special Session of the Conference of the States Parties to the Chemical Weapons Convention and looks forward to the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons putting in place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic by identifying and reporting on all information potentially relevant to the origin of those chemical weapons;

34. *Recalls* the relevant reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, in which it found the Syrian authorities responsible for the use of chemical weapons on four occasions, and that the so-called Islamic State in Iraq and the Levant (Daesh) was responsible for two chemical weapons attacks between 2014 and 2017;

35. *Expresses grave concern* at the findings by the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons that sarin and chlorine were very likely used in separate attacks in Ltamenah on 24 and 25 March 2017, and that chlorine was likely used in an attack in Saraqib on 4 February 2018;

36. *Also expresses grave concern* at the reported chemical weapons attack in Douma on 7 April 2018, and looks forward to the final findings of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons on that attack;

37. *Further expresses grave concern* that, in its latest report,[1] the Commission of Inquiry stated that a vast body of evidence suggested that chlorine had been dropped by helicopter on a residential building and that it had received information on the death of at least 49 individuals and the wounding of up to 650 others in Douma on 7 April 2018, and at the findings of the Commission of Inquiry in the same report that, in a series of ground attacks in Douma on 22 January and 1 February 2018, the Syrian authorities and/or affiliated militias had committed the war crime of using prohibited weapons, following a pattern previously documented by the Commission concerning the use of chemical weapons;

38. *Expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons of July 2016, March 2017, July 2017, October 2017, March 2018 and July 2018, in which it reported that it had been unable to verify that the declaration made by the Syrian authorities regarding their chemical weapons programme was accurate and complete in accordance with the Chemical Weapons Convention, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to provide further clarification relating to the gaps, inconsistencies and discrepancies that remain concerning the declaration;

39. *Demands* that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, expresses its strong conviction that those responsible for the use of chemical weapons must be held accountable, and expresses its support in this regard for the objectives and commitments of the International Partnership against Impunity for the Use of Chemical Weapons to support accountability for all those responsible for the proliferation or use of chemical weapons;

40. *Reaffirms* the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims, and stresses the prerequisite role that accountability can play in any efforts to bring about a sustainable, inclusive and peaceful conclusion to the conflict;

41. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes in which a State is unwilling or unable to genuinely carry out investigations or prosecutions;

42. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent national, regional or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, while noting the important role that the International Criminal Court can play in this regard;

43. *Welcomes* the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, as mandated by the General Assembly in resolution 71/248 of 21 December 2016, including its close cooperation with the Commission of Inquiry and Syrian civil society, so that the voices of victims are heard, any evidence of crimes is collected and criminal prosecution proceeds;

44. *Invites* Member States to actively support the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate, multiannual, financial means for its functioning;

45. *Deplores* the grave humanitarian situation in the Syrian Arab Republic, and expresses deep concern at the plight of the approximately 1.5 million Syrians living in hard-to-reach areas in the country, whose needs are particularly acute and who require full, immediate and safe humanitarian assistance;

46. *Strongly condemns* the Syrian authorities' removal of humanitarian aid from United Nations-approved convoys, including medical aid and supplies intended to reach desperate populations deprived of food, medical aid and vital necessities;

47. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, and that they ensure that the delivery of humanitarian aid reaches all those in need, including in hard-to-reach areas, in accordance with relevant Security Council resolutions, and calls upon Member States to fully fund the United Nations appeals;

48. *Expresses deep concern* for the more than 5.6 million refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of the neighbouring countries, Turkey, Lebanon, Jordan and Iraq, as well as of Egypt, to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, including the particular needs of women and girls, while emphasizing the principles of responsibility and burden-sharing;

49. *Notes* those States outside the region that have put in place measures and policies to assist and to host Syrian refugees, encourages them to do more, and also encourages other States outside the region to consider implementing such measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

50. *Welcomes* the relevant international conferences supporting the Syrian people, notably the second conference entitled "Supporting the future of Syria and the region" hosted by the European Union in Brussels on 24 and 25 April 2018, and renews its call for the international community to deliver in full all pledges;

51. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, demands that all parties work towards a genuine political transition based on the Geneva communiqué and Security Council resolution 2254 (2015), within the framework of the United Nations-led intra-Syrian talks in Geneva, with the equal voice and full and meaningful leadership and participation of women in decision-making and in all efforts consistent with Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State in which all citizens

receive equal protection, regardless of gender, religion or ethnicity, and welcomes the inclusion of civil society in this process;

52. *Decides* to remain seized of the matter.

United Nations A/HRC/39/L.21

General Assembly

Distr.: Limited
24 September 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Albania,* Austria,* Belgium, Bulgaria,* Canada,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* Germany, Iceland, Ireland,* Italy,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Netherlands,* New Zealand,* Norway,* Poland,* Portugal,* Romania,* Slovenia, Sweden:* draft resolution

39/... Human rights situation in Yemen

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

Recognizing the primary responsibility of States to promote and protect human rights,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015, 33/16 of 29 September 2016 and 36/31 of 29 September 2017,

Recalling also Security Council resolution 2216 (2015) of 14 April 2015,

Welcoming the commitment of Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the implementation of the recommendations made in the outcome document of the National Dialogue Conference, and to complete the drafting of a new Constitution,

Welcoming also the positive engagement of the Government of Yemen in the peace talks, its handling of the proposals made by the Special Envoy of the Secretary-General for Yemen, Martin Griffiths, and encouraging it to continue its efforts to achieve peace and stability in Yemen,

Reiterating its strong support for the ongoing efforts of the Secretary-General and his Special Envoy to achieve the urgent resumption of peace negotiations, and recalling the need for all parties to the conflict to react in a flexible and constructive manner and without

* State not a member of the Human Rights Council.

preconditions to these efforts, and to fully and immediately implement all provisions of relevant Security Council resolutions,

Taking note of the statement made by the President of the Security Council on 15 March 2018 on Yemen,[1]

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

Recognizing that the promotion, protection and fulfilment of human rights are key factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for the country,

Acknowledging that international human rights law and international humanitarian law are complementary and mutually reinforcing, and reaffirming that all efforts should be made to ensure the cessation of all violations and abuses of and the full respect for international human rights law and international humanitarian law in armed conflicts,

Aware of reports by the Office for the Coordination of Humanitarian Affairs that the existing humanitarian emergency affects the enjoyment of social and economic rights, and calling upon the parties to the conflict to ensure that humanitarian aid is facilitated and not hindered,

Concerned by the allegations of violations of international humanitarian law and of violations and abuses of human rights law in Yemen, including those involving grave violations against children, attacks on humanitarian workers, civilians and civilian infrastructure, including medical facilities and missions and their personnel, as well as schools, the prevention of access for humanitarian aid, the use of import and other restrictions as a military tactic, the severe restrictions on freedom of religion or belief, including for minorities, such as members of the Baha'i faith, and the harassment of and attacks against journalists and human rights defenders, including women human rights defenders,

Underlining the important role played by free media and non-governmental human rights organizations in contributing to an objective appraisal of the human rights situation in Yemen,

Recalling the call of the Government of Yemen for an investigation into all cases of violations and abuses of human rights, and the relevant calls made by the United Nations High Commissioner for Human Rights, while noting in this regard the release of the fourth and fifth reports by the National Commission of Inquiry in January and August 2018,

Noting the extensive work carried out by the National Commission of Inquiry and the significant challenges that it continues to face in carrying out independent comprehensive investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law in Yemen, and encouraging the Yemeni public prosecution office and judiciary to complete judicial proceedings, to achieve justice and hold those responsible of abuses and violations accountable as soon as possible,

Noting also the work carried out by the Joint Incidents Assessment Team,

Taking note of the report of the United Nations High Commissioner for Human Rights containing the findings of the Group of Eminent International and Regional Experts and a summary of the technical assistance provided by the Office of the High Commissioner to the National Commission of Inquiry,[2]

1. *Condemns* the ongoing violations and abuses of human rights and violations of international humanitarian law in Yemen, including those involving the widespread recruitment and use of children by parties to the armed conflict, arbitrary arrests and detention, denial of humanitarian access and attacks on civilians and civilian objects, including medical facilities and missions and their personnel, as well as schools, and emphasizes the importance of accountability;

[1] S/PRST/2018/5.

2. *Calls upon* all parties to the armed conflict to respect their obligations and commitments under applicable international human rights law and international humanitarian law, and in particular with regard to attacks against civilians and civilian objects, and to ensure humanitarian access to the affected population nationwide, including by lifting obstacles to the importation of humanitarian goods, reducing bureaucratic delays, resuming salary payments for civil servants and ensuring the full cooperation of the Central Bank of Yemen;

3. *Calls upon* all parties in Yemen to engage in the political process in an inclusive, peaceful and democratic way, ensuring the equal and meaningful participation and full involvement of women in the peace process;

4. *Demands* that all parties to the armed conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to cooperate with the United Nations for their reintegration into their communities, taking into consideration the relevant recommendations made by the Secretary-General in his report on children and armed conflict;[1]

5. *Calls upon* all parties in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to reach a comprehensive agreement to end the conflict;

6. *Emphasizes* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

7. *Calls upon* all parties to immediately release all Baha'i detained in Yemen due to their religious belief, to cease the issuance of arrest warrants against them and to cease the harassment to which they are subjected;

8. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, and expresses its appreciation to donor States and organizations working on improving that situation, and for their pledges to provide financial support for the Yemen humanitarian response plan for 2018;

9. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner, and Member States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

10. *Acknowledges* the difficulty of the circumstances under which the National Commission of Inquiry operates, and that the continuation of the armed conflict and the continued violations and abuses of international human rights law and violations of international humanitarian law necessitate the continuation of the Commission's mandate, and the intensification of its work according to presidential decree No. 50 of 23 August 2017, and urges that its tasks be completed professionally, impartially and comprehensively;

11. *Urges* all parties to the armed conflict to take all the measures necessary to ensure effective, impartial and independent investigations into all alleged violations and

abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards, with a view to ending impunity;

12. *Decides* to extend the mandate of the Group of Eminent International and Regional Experts for a further period of one year, renewable as authorized by the Human Rights Council;

13. *Requests* the Group of Eminent International and Regional Experts to submit a comprehensive written report to the High Commissioner for presentation at the forty-second session of the Human Rights Council, to be followed by an interactive dialogue;

14. *Encourages* all parties to the armed conflict in Yemen to extend full and transparent access and cooperation to the Group of Eminent International and Regional Experts;

15. *Requests* the Secretary-General and the High Commissioner to continue providing the full administrative, technical and logistical support necessary to enable the Group of Eminent International and Regional Experts to carry out its mandate;

16. *Requests* the High Commissioner to also continue to provide substantive capacity-building, technical assistance and advice and legal support to enable the National Commission of Inquiry to complete its investigatory work, including to ensure that the National Commission investigates allegations of violations and abuses committed by all parties in Yemen and in line with international standards, and to submit its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. (50) of 23 August 2017, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission of Inquiry and the Office of the High Commissioner;

17. *Also requests* the High Commissioner to present to the Human Rights Council, at its fortieth session, an oral update on the situation of human rights in Yemen and the development and implementation of the present resolution, and to present to the Council at its forty-second session a written report on the situation of human rights, including violations and abuses committed since September 2014, as well as on the implementation of technical assistance as stipulated in the present resolution.